



FORT KNOX PAM 635-200

USAARMC & FORT KNOX

**COMMANDER'S
DESKTOP GUIDE
TO
ADMINISTRATIVE
SEPARATIONS
OF
ENLISTED PERSONNEL**

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Personnel Separations

COMMANDER'S DESKTOP GUIDE TO ADMINISTRATIVE SEPARATIONS OF ENLISTED PERSONNEL

Summary. This pamphlet is designed to provide commanders with information and guidance in the preparation and execution of administrative separations.

Suggested Improvements. The proponent of this pamphlet is the Office of the Staff Judge Advocate. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to CDR, USAARMC and Fort Knox, ATTN: ATZK-JAA.

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CHAPTER 1

INTRODUCTION

1-1. PURPOSE. This pamphlet serves as a commander's guide to administrative separations under the provisions (UP) of AR 635-200. It is designed and written as a reference to assist commanders at every level in the initiation of, or involvement in, administrative discharge proceedings.

1-2. APPLICABILITY. This pamphlet applies throughout the U.S. Army Armor Center and Fort Knox, Kentucky. It is especially applicable to the immediate commander who must make the decision to initiate separation proceedings and put together information from various sources in order to administratively separate a soldier. The information outlined in Chapter 2 for the various types of administrative separations are prepared to assist commanders in timely and accurate separation processing. Commanders are urged to refer to AR 635-200 for complete information and guidance on all types of administrative separations.

1-3. REFERENCES. The references for this pamphlet are listed in appendix A.

1-4. WRITTEN NOTIFICATION OF PROPOSED ACTION. Samples of the memorandums required to initiate separation proceedings are found in appendices B and C.

1-5. EXPEDITIOUS OUTPROCESSING. Commanders are responsible for ensuring that soldiers separated UP of AR 635-200, regardless of the character of discharge, be outprocessed expeditiously (normally within 72 hours) following receipt of the appropriate convening authority's disposition. A Separation Action Control Sheet (DA Form 5138-R) (appendix G) will be used for all separation actions to ensure processing goals are met.

1-6. COUNSELING AND REHABILITATION.

a. A Developmental Counseling Form (DA Form 4856-R) will be used to document deficiencies and corrective measures (see appendix R). Commanders should ensure that the soldier's elimination action is complete, including any documents or evidence (positive or negative) that could potentially be used during board proceedings. When counseling and rehabilitation are required before initiating separation, there must be evidence that the soldier's deficiencies have continued after the initial formal counseling.

b. If the type of separation pursued requires that a rehabilitative transfer be made prior to initiating separation actions, one of the following must be taken:

(1) Replacement stream personnel will be recycled (reassigned between training companies or, where this is not feasible, between training platoons).

(2) Soldiers who are not replacement stream personnel will be reassigned at least once, with at least 2 months of duty in each unit. Reassignment should be between at least battalion size units. This requirement does not prevent reassignment between brigade or larger units when considered necessary by local commanders. If this is not possible because of the circumstances involved in a case, the procedure described in (3) below will apply.

(3) A permanent change of station may be considered necessary to provide a change in commanders, associates, and living or working conditions to rehabilitate a soldier. If so, the commander exercising general court-martial jurisdiction over the soldier may authorize such reassignment within the same command (or may request HQDA (TAPC-EP-appropriate branch), Alexandria, VA 22331, to accomplish assignment to another command) provided the soldier involved is a CPL, SPC, PFC, or PVT with less than 2 years of service and the transfer to another station would not be detrimental to the soldier or to the Army.

The requirement that a soldier receive a rehabilitative transfer before separation proceedings are initiated may be waived by the separation authority if the transfer would serve no useful purpose (see appendix M). Such circumstances include 2 consecutive failures of the APFT, pregnancy while in Entry Level Status, highly disruptive or potentially suicidal soldiers (particularly those in reception battalions) and soldiers assigned to small installations or at remote locations.

1-7. DOCUMENTATION REQUIRED. With the exception of discharges under Chapters 10 and 11, all involuntary separation proceedings must be accompanied by the following documents:

- a. DA Form 5138-R, Separation Action Control Sheet (appendix G)
- b. FK Form 5051-E, Commanding Officer's Report to the Separation Authority (appendix F)
- c. FK FL 9584-E, Notification Memorandum Requiring Notification Procedures (appendix B) or FK FL 9585-E, Notification Memorandum Requiring Administrative Board Procedures (appendix C) (depending on the type of procedure used)
- d. FK FL 9583-E, Receipt of Notification/Acknowledgment/Election of Rights (appendix D)
- e. FK FL 9586-E, Request for Conditional Waiver (appendix E), when applicable
- f. Enlisted Record Brief
- g. Flag for elimination

To ensure expeditious processing, it is important for commanders to ensure that all of the required documentation is present before initiating the separation procedures.

1-8. MEDICAL PROCESSING FOR SEPARATION.

a. FK Form 4388-E is used to refer a soldier for a mental status evaluation (appendix J). A soldier may be referred for a medical examination and/or mental evaluation at the same time that the elimination action is initiated. Medical examinations are required for soldiers being processed for involuntary separations UP AR 635-200, paragraphs 5-3, 5-11, 11-3b, 14-12a, 14-12b, 14-12c, and Chapters 8, 9, 12, 13, 15, and 18. A mental status evaluation is also required when a soldier being processed for discharge UP Chapter 10 requests a medical examination. These requirements may not be waived except by HQDA.

b. Even if a medical examination is not required for the separation, the soldier may request such an examination in writing using FK Form 2722-E (see appendix S). If the soldier makes such a request, the results of the examination should be attached to the separation packet.

1-9. PROCEDURES USED. The type of procedure used in processing administrative separations depends upon the type of separation involved and the time in service of the soldier to be separated. Unless other procedures are provided within, administrative separations will be accomplished through either notification procedures or administrative board procedures. The required procedure is listed within the information for each type of separation and should be followed in conjunction with any additional procedural requirements listed. The notification and administrative board procedures can be found at appendices B and C.

1-10. ELIMINATION BOARD COMPOSITION AND ADDITIONAL RESPONSIBILITIES.

a. All board presidents for separation at General Court-Martial Convening Authority (GCMCA) level are currently appointed for a period of 1 year, and all other members are appointed for a period of 6 months. Nonvoting board recorders are appointed in writing as board members by the Commanding General. The administrative board will consist of at least 3 experienced commissioned, warrant, or noncommissioned officers. Enlisted soldiers appointed to the board will be in the grade of E-7 or above and senior to the respondent. Commissioned officers will be in the grade of O-3 or above. At least one member of the board will serve in the grade of O-4 or higher, and the majority will be commissioned or warrant officers. The senior member will be President of the board.

b. Procedures for convening a board can be found in AR 15-6 and AR 635-200. Guidance for board recorders. FK Form 5054-E, is at appendix T. Further guidance for board recorders can be obtained from the AG Personnel Operations Branch (4-8153/6479) or the SJA Administrative Law Division (4-7414/4668). An example of board proceedings is at appendix U.

c. It is important that all procedures for the composition of the board are closely followed IAW AR 635-200, para 2-7.

d. The reporter tapes the board proceedings and prepares a summarized transcript. Generally, the reporter is the legal clerk of the respondent's unit.

1-11. APPROVING AUTHORITY TO ACCOMPLISH SEPARATION.

a. The discharge authority is dictated by the type of separation recommended.

b. The Under Other Than Honorable Conditions discharge in this command will be directed only by the General Court-Martial Convening Authority or, when applicable, by HQDA.

c. Regardless of the listed separation authority within this pamphlet, involuntary separations of soldiers with at least 18 years of active federal service must be approved by HQDA (TAPC-PDT-SS), Alexandria, VA 22331.

1-12. SUSPENSION OF FAVORABLE PERSONNEL ACTIONS. When initial notification of proposed elimination action is conducted, the commander will initiate a suspension of Favorable Personnel Action (DA Form 268), as outlined in AR 600-8-2. Commanders will remove that suspension upon completion of an elimination case.

1-13. PERSONNEL SEPARATION PROCESSING TIME.

a. Processing time for separations when the notification procedure is used will normally not exceed 15 working days.

b. Processing time for separations when the administrative board procedure is used will normally not exceed 50 working days.

c. To reduce processing time, it is imperative that all required documents are included in the elimination packet.

CHAPTER 2

PROCEDURES FOR DISCHARGE

2-1. INVOLUNTARY SEPARATION DUE TO PARENTHOOD

a. Authority: Army Regulation 635-200, para 5-8, Section IV

b. When it may be initiated:

(1) When parental obligations interfere with fulfillment of military responsibilities. Examples include an inability to perform prescribed duties satisfactorily, repeated absenteeism, lateness for work, the inability to participate in field training exercises or performance of special duties such as CQ and Staff Duty NCO, and nonavailability for worldwide assignment or deployment according to the needs of the Army.

(2) After the soldier has been formally counseled concerning deficiencies and afforded the opportunity to overcome them, unless the soldier has provided a statement stating the inability to provide adequate family care plan now or in the future.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32b)

f. Approval Authority: Special Court-Martial Convening Authority (1-19c(1))

g. Procedure to be Used: Notification

h. Type of Discharge Authorized:

(1) Honorable

(2) General (Under Honorable Conditions) – only available if the soldiers are advised during the notification procedures of the specific factors in their service record that warrant such a characterization

(3) Uncharacterized -- if the soldier is in entry-level status

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Formal Counseling Statements (showing inability to perform due to parenthood IAW AR 600-20, para 5-5)

(2) DA Form 5304-R, Family Care Plan Counseling Checklist (appendix H)

(3) DA Form 5305-R, Family Care Plan (appendix I)

j. Additional Procedural Requirements: Ensure that the soldiers are formally counseled on a DA Form 4856-R regarding their deficiencies and are given adequate opportunity to overcome them.

k. Miscellaneous Issues: If the soldier provides a statement stating an inability to provide an adequate family care plan now or in the future, the command does not have to wait for rehabilitative effects of counseling before initiating separation actions.

2-2. SEPARATION BECAUSE OF PERSONALITY DISORDER

a. Authority: Army Regulation 635-200, para 5-13, Section IV

b. When it may be initiated:

(1) When soldiers are diagnosed by a psychiatrist or clinical psychologist with a deeply-ingrained maladaptive pattern of behavior of long duration that interferes with their assignment to or performance of duty;

(2) When the diagnosis concludes that the disorder is so severe that the soldier's ability to function effectively in the military environment is significantly impaired, unless the dysfunction results from combat exhaustion or other acute situational maladjustments; and

(3) After the soldier is formally counseled concerning deficiencies and afforded the opportunity to overcome them.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: Yes (1-32b)

f. Approval Authority: Special Court-Martial Convening Authority

g. Procedure to be Used: Notification

h. Type of Discharge Authorized:

(1) Honorable

(2) General (Under Honorable Conditions) – only when the soldier has been convicted of an offense by GCM or more than one SPCM in the current enlistment, period of obligated service, or any extension thereof.

(3) Uncharacterized -- if the soldier is in entry-level status

i. Documents Required: In addition to the documentation listed in para 1-7, formal counseling statements (describing the inability to perform because of personality disorder) are required to initiate this type of separation.

j. Additional Procedural Requirements:

(1) Soldiers must have been formally counseled concerning their deficiencies on DA Forms 4856 and afforded the opportunity to overcome them.

(2) After the soldier has consulted with counsel, the commander should refer the soldier to the behavioral medicine clinic for a mental evaluation. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the procedures found in Block VII of this form when making the referral.

(3) The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist. This evaluation must be included in the separation packet forwarded to the separation authority.

2-3. CONCEALMENT OF ARREST RECORD

a. Authority: Army Regulation 635-200, para 5-14, Section IV

b. When it may be initiated:

(1) When soldiers make a fraudulent statement or omission regarding their arrest record (not followed by a civil conviction and not reflecting charges pending at the time of enlistment) for any juvenile or adult offense and such concealment does not amount to a fraudulent entry (Chapter 7).

(2) When bona-fide evidence has been obtained from the appropriate law enforcement agency which proves the existence of an unrevealed prior arrest.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32b)

f. Approval Authority: Special Court-Martial Convening Authority (1-19c(1))

g. Procedure to be Used: Notification

h. Type of Discharge Authorized:

(1) Honorable

(2) General (Under Honorable Conditions) – only available if the soldiers are advised during the notification procedures of the specific factors in their service record that warrant such a characterization.

(3) Uncharacterized -- if the soldier is in entry-level status

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) DA Form 5248-R, Report of Unfavorable Information for Security Determination (with "rap sheet" listing incidents of arrest)

(2) DA Form 3286, Statements for Enlistment, or other evidence that clearly shows the individual concealed an arrest record

(3) DD Form 4, Enlistment/Reenlistment Documents

(4) SF 86, Questionnaire for National Security Positions

(5) Any other evidence showing concealment of an arrest record

(6) DA Form 2627, Article 15, when applicable

(7) Certification, when applicable

j. Additional Procedural Requirements:

(1) Upon notification that a soldier has concealed an arrest record, determine if separation is appropriate by conducting a preliminary inquiry (information can be obtained from CID).

(2) Obtain evidence regarding the soldier's arrest record ("rap sheet") from appropriate law enforcement agencies.

k. Miscellaneous Issues:

(1) Examples of "bona fide" evidence includes a completed DA Form 5248-R (Report of Unfavorable Information for Security Determination), with a "rap sheet" listing incidents of arrest, and a completed DA Form 3286 (Statement for Enlistment) or other evidence which shows clearly that the individual concealed an arrest record.

(2) Further contact with the arresting agency or department by the commander may be necessary to determine if separation is appropriate.

(3) In determining whether discharge is appropriate, the commander will consider the following:

(a) Concealing a pattern of arrests -- this strongly suggests that the soldier was intentionally attempting to mislead recruiting officials regarding enlistment eligibility

(b) The age of the individual when enlisted, when arrested, and the period of time that elapsed since the arrest.

(c) The nature of the soldier's service since enlistment.

2-4. OTHER DESIGNATED PHYSICAL OR MENTAL CONDITIONS

a. Authority: Army Regulation 635-200, para 5-17.

b. When it may be initiated:

(1) When the soldier has a physical or mental condition that could potentially interfere with assignment to or performance of duty, but which does not amount to disability (AR 635-40);

(2) When the physical or mental condition involved is not appropriate for separation processing under para 5-11 or 5-13;

(3) When the soldier has been examined by a physician, or by a psychiatrist or licensed clinical psychologist, and receives a written diagnosis confirming the existence of such a physical or mental condition;

(4) After the soldier has been formally counseled concerning deficiencies and afforded the opportunity to overcome them.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: Yes (1-32b)

f. Approval Authority: Special Court-Martial Convening Authority (1-19c(1))

g. Procedure to be Used:

(1) Notification - if soldier has less than 6 years of service

(2) Board - if soldier has 6 or more years of service

h. Type of Discharge Authorized:

(1) Honorable

(2) General (Under Honorable Conditions) – only available if the soldiers are advised during the notification procedures of the specific factors in their service record which warrant such a characterization.

(3) Uncharacterized – if soldier is in entry-level status

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Formal Counseling Statements (describing inability to perform because of personality disorder)

(2) Medical Examination (confirming existence of a physical condition) AND/OR Mental Status Evaluation signed by psychiatrist or licensed clinical psychologist (confirming the existence of a mental condition)

j. Additional Procedural Requirements:

(1) Counsel the soldier concerning deficiencies and afford the soldier the opportunity to overcome those deficiencies. Record all counseling statements on a DA Form 4856 (see appendix R).

(2) If it is a physical condition that may interfere with the soldier's assignment or performance of duty, refer the soldier to a physician for a physical examination after the soldier has consulted with counsel. The physician will have to provide written documentation that the soldier does in fact have such a condition.

(3) If it is a mental condition, the commander should refer the soldier to the behavioral medicine clinic for a mental evaluation after the soldier has consulted with counsel. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the

procedures found in Block VII of this form when making the referral. The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist.

k. Miscellaneous Issues: Examples of conditions which may warrant this type of separation include, but are not limited to, chronic airsickness or seasickness, enuresis, sleepwalking, dyslexia, severe nightmares, claustrophobia, and other disorders manifesting disturbances of perception, thinking, emotional control or behavior sufficiently severe that the soldier's ability to effectively perform military duties is significantly impaired.

2-5. SEPARATION BECAUSE OF DEPENDENCY OR HARDSHIP

a. Authority: Army Regulation 635-200, Chapter 6

b. When it may be initiated:

(1) When the death or disability of a member of the soldier's or spouse's immediate family causes that member to rely on the soldier for principal care or support, or in situations not involving death or disability of a member of the soldier's or spouse's immediate family, the soldier's separation will materially affect the care or support of the family by alleviating undue or genuine hardship (ex: a sole parent whose minor children reside within the household);

(2) When the soldier has requested a separation for this purpose by submitting a DA Form 4187 (Request for Personnel Action);

(3) The soldier is NOT under charges, in confinement, recommended for separation for unsatisfactory performance or misconduct, or being processed for discharge due to parenthood (para 5-8) or for alcohol or other drug abuse rehabilitation failure (Chapter 9) or entry level status performance and conduct (Chapter 11).

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32a)

f. Approval Authority: Special Court-Martial Convening Authority (1-19c(1))

g. Type of Discharge Authorized:

(1) Honorable

(2) General (Under Honorable Conditions) – only available if soldiers are advised using the notification procedures of specific factors in their record that warrant such a characterization.

- (3) Uncharacterized – if soldier is in entry-level status

h. Documents Required:

- (1) DA Form 4187 (Requesting separation for hardship/dependency)
- (2) Affidavit from the soldiers explaining the nature of the claimed hardship/dependency condition and what they intend to do to alleviate it
- (3) Affidavit or statement by or on behalf of the soldier's dependents substantiating the hardship/dependency claim
- (4) Affidavits by at least two agencies or individuals, other than members of the soldier's family, substantiating the dependency/hardship claim
- (5) The remaining documentation required depends on the nature of the hardship/dependency claimed. See Miscellaneous Issues below for the evidence required for each type.
- (6) Enlisted Record Brief

i. Procedure Used:

- (1) Interview soldiers and advise them of the evidence which they must provide to substantiate the dependency or hardship upon which application for separation would be based (see Documents Required above and Miscellaneous Issues below).
- (2) Have soldier prepare and sign a DA Form 4187 with the assistance of the unit Legal NCO/Clerk.
- (3) Initiate a DA Form 5138-R, Separation Action Control Sheet (appendix G).
- (4) Company-level commander will sign DA Form 4187, and make recommendations with reasons, including any pertinent additional information and confirmation of personal circumstances of soldier and family.
- (5) In addition to the other required documentation, the company-level commander will include an endorsement containing the following information: a) the amount and type of allotments the soldier has in effect, together with the name and relationship of each allottee; b) A statement whether a determination of dependency for benefits under the Dependent's Assistance Act of 1950 (DoD Military Pay and Allowances Entitlements Manual) has been requested and the decision of the Allotments and Deposits Operations, U.S. Army Finance and Accounting Center; c) date of current enlistment, entry on AD or ADT, and ETS; and d) whether the applicant is under charges, in confinement, or under investigation or consideration for separation per AR 635-40, AR 604-10, or Chapters 9, 11, 13, 14, or 5-8.

(6) Have Legal NCO/Clerk review packet and forward as promptly as possible to the approval authority.

(7) Each intermediate commander will endorse the request and make their recommendation to the approval authority (see appendix R). Attach the endorsement to the separation packet.

(8) Separation authority will consider the facts upon which the request is based. Any additional information required to determine the validity of the reason for separation will be requested from the soldier, or the American National Red Cross. If the request for separation is approved, the decision authority will notify the company-level commander within 24 hours. If the request for separation is denied, the specific reason for denial must be included in the return endorsement.

j. Miscellaneous Issues:

(1) Following is the additional required documentation for each type of hardship/dependency that may warrant separation under this chapter:

(a) If request is based on financial difficulty: A detailed statement establishing the monthly income and finances of the family.

(b) If request is based on a family member death: A death certificate or other valid proof of the death.

(c) If request is based on family member disability: A signed statement from the attending physician showing the date of the disability, the diagnosis, and prognosis. Preprinted medical statement forms that require only a physician's signature will not be issued or used for hardship applications.

(d) If request is based on need to support other members of the soldier's or spouse's family: Notarized statement from other individual family members (complete with their names and addresses) explaining why they cannot aid in the care of the family member for whom the soldier would be separated to provide care.

(e) If request is based on parenthood of married service women or "sole parenthood" of soldiers: Affidavit from the soldiers supporting the claim that unexpected circumstances, or circumstances beyond their control have occurred since acquired parenthood which prevent fulfillment of military obligations without neglect of the child(ren).

(f) If "sole parenthood" results from divorce or legal separation: A judicial decree or court order awarding custody to the soldier.

(2) “Immediate Family” is defined as the soldier’s spouse, children, father, mother, brothers, sisters, only living blood relative, or any person who stood “in loco parentis” to the soldiers or spouses for a continuous period of at least 5 years before they reached 21 years of age.

(3) “Sole parent” is defined as a parent who is single by reason of never having been married, or is divorced or legally separated and has been awarded child custody by judicial decree or court order, or is a widow or widower. The children must be under 18 years of age and reside within the soldier’s household in order for the soldier to qualify for this type of dependency discharge.

2-6. SEPARATION OF A MINOR

a. Authority: Army Regulation 635-200, Chapter 7, Section II

b. When it may be initiated:

(1) When proof has been received that the soldier enlisted while under 17 years of age and has not yet attained that age; or

(2) When application by the soldier’s parents or guardian of a regular soldier is made within 90 days of enlistment, there is satisfactory evidence that the soldier is under 18 years of age, the soldier enlisted without the written consent of parents or guardian, and the soldier is not under charges for a serious offense committed after attaining the age of 17 years.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32a)

f. Approval Authority: Special Court-Martial Convening Authority (1-19c(1))

g. Procedure to be Used: Notification

h. Type of Discharge Authorized:

(1) “Order of Release” from custody and control of the Army

(2) Entry-Level Separation

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Authenticated copy of birth certificate or, if the official record can not be provided, an affidavit of the person or guardian stating why the official record can not be found (if an affidavit serves as proof of age of soldier, it must be accompanied by one of the following: a baptismal certificate, certified copy of school records (preferably first term), or an affidavit of the doctor or midwife in attendance of birth or affidavit of at least two persons not related to the enlisted person, stating from their personal knowledge as to the date of birth).

(2) In case of an enlistment under an assumed name, affidavit of the parent or guardian identifying the soldier for whom birth certificate or age affidavit is provided.

(3) Additional documentation as may be required under Miscellaneous Issues below.

j. Additional Procedural Requirements:

(1) If application for separation under this chapter is received from either parents or guardian, the commander will closely examine the signatures on the application for separation and consent statement to determine whether the applicant actually signed the statement.

(2) If the case is in doubt, the application, along with recommendations, may be forwarded to HQDA (TAPC-PDT-SS), Alexandria, VA 22331-0479.

k. Miscellaneous Issues:

(1) If the parents are divorced or otherwise legally separated, the application for discharge must be accompanied by copy of the court order or other evidence showing that the parent submitting the application has custody of the soldier. Applications from parents who have lost custody of the soldier by judgment of a court, appointment of a guardian, desertion of family, or waiver, will not be considered.

(2) A person who has assumed support of a minor and performed the duties of guardian for 5 years immediately preceding the enlistment will be recognized as a guardian. An affidavit supporting "guardianship" under these conditions will be submitted with the birth certificate.

(3) Minors who are under court-martial charges will not be discharged for minority until proper disposition has been made in the case against them.

(4) It is preferable for minors to be separated for minority rather than other types of discharge (misconduct or unsatisfactory performance).

2-7. FRAUDULENT ENTRY

a. Authority: Army Regulation 635-200, Chapter 7, Section IV

b. When it may be initiated:

(1) When evidence is obtained of information which, if known and considered by the Army at the time of enlistment or reenlistment, might have resulted in rejection.

(2) The mistaken enlistment or reenlistment was procured due to a deliberate material misrepresentation, omission, or concealment of information by the soldiers at the time of their enlistment/reenlistment.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32a)

f. Approval Authority:

(1) Special Court-Martial Convening Authority (if characterization of service as under other than honorable conditions is not considered)

(2) General Court-Martial Authority (if characterization of service as under other than honorable conditions is considered)

g. Procedure to be Used: Board (Notification may be used if soldier has less than 6 years of service and characterization of service as under other than honorable conditions is not considered)

h. Type of Discharge Authorized:

(1) Honorable

(2) General (under honorable conditions)

(3) Under Other than Honorable conditions

(4) Uncharacterized

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) DA Form 3286, Statements for Enlistment, or other evidence which clearly shows the individual concealed an arrest record

(2) DD Form 4, Enlistment/Reenlistment Documents

(3) SF 86, Questionnaire for National Security Positions

(4) DA Form 2627, Article 15, when applicable

(5) Certification, when applicable

j. Additional Procedural Requirements:

(1) Upon receipt of information which reveals that soldier's enlistment/reenlistment was fraudulent, company-level commander must determine if the concealed information is in fact disqualifying (Refer to AR 635-200, para 7-17a(1) for guidance).

(2) Company-level Commander must verify the existence and true nature of the disqualifying information (Refer to AR 635-200, para 7-17a(2) for guidance). In making these first two determinations, a delay of 30 days is considered reasonable.

(3) If the determinations made in 1 and 2 above reveal that the concealed information is not disqualifying, or that the disqualifying information is not really in existence and/or true, then the separation process should be halted.

(4) Company-level commander must make determination as to whether soldier should be considered for an Under Other than Honorable (OTH) discharge. If an OTH characterization is to be considered, the procedure will follow the board procedures. If not, and if the soldier has less than 6 years of service, then proceed under notification procedures.

k. Miscellaneous Issues:

(1) If the company-level commanders contemplate an honorable or general discharge and so employs notification procedures, the Special Court-Martial Convening Authority may at their discretion convene Article 15 board and/or other chapter actions when the soldier has over 6 years of service.

(2) In cases in which it is alleged that the fraud was aided by a recruiting official, a copy of the Unit Commander's Report will be forwarded to: Commander, US Army Recruiting Command, ATTN: RCCG, Fort Knox, KY 40121-5000.

(3) In cases of connivance by reenlistment NCOs, a copy of the report will be forwarded to the appropriate general court-martial convening authority.

(4) When fraudulent entry is confirmed, all pay and allowances to soldier will terminate.

(5) Examples of fraudulent enlistment situations are: a) concealment of prior service, b) concealment of true citizenship status, c) concealment of conviction by civil court, d) concealment of record as a juvenile offender, e) concealment of medical defects, f) concealment of absence without leave or desertion from prior service, g) concealment of pre-service homosexual conduct; or h) misrepresentation of intent with regard to legal custody of children.

2-8. SEPARATION OF ENLISTED WOMEN – PREGNANCY

a. Authority: Army Regulation 635-200, Chapter 8

b. When it may be initiated:

(1) After an enlisted female soldier is confirmed by a physician to be pregnant at the servicing Armed Forces Medical Treatment Facility;

(2) After the soldier has been counseled concerning options, entitlements, and responsibilities, and granted at least 7 days to consider her options; and

(3) When the pregnant soldier has requested a voluntary separation

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: No (1-32a)

f. Approval Authority:

(1) Commander in the rank of LTC or MAJ(P) serving in a LTC-authorized command position who has a Judge Advocate available

(2) Special Court-Martial Convening Authority (if no LTC/MAJ(P) commander is eligible)

g. Procedure to be Used:

(1) Notification (if notifying of possibility of a general discharge)

(2) Otherwise, see procedure below

h. Type of Discharge Authorized:

(1) Honorable

(2) General (under honorable conditions) – only available if soldiers are advised during the notification procedures of the specific factors in their service record that warrant such a characterization

(3) Uncharacterized

i. Documents Required:

- (1) DA Form 5138-R, Separation Action Control Sheet (appendix G)
- (2) DA Form 4187 (requesting separation)
- (3) Pregnancy Counseling Checklist (appendix K)
- (4) Statement of Counseling (appendix L)
- (5) Certification of Pregnancy from military physician with due date and latest date she may travel indicated
- (6) Medical Examination (SF 88)
- (7) Enlisted Record Brief

j. Procedure Used:

- (1) When company-level commanders have reason to believe a soldier is pregnant, they will direct the soldier to report for diagnosis by a physician at the servicing Armed Forces Medical Treatment Facility.
- (2) The physician will conduct a physical examination, complete an SF 88 and forward a copy of the examination forms to the company-level commander.
- (3) Upon receipt of examination forms, the company-level commander must counsel the soldier using the pregnancy counseling checklist (appendix K) and a special statement of counseling (appendix L). These documents should be attached.
- (4) If, after being given adequate time to consider her options after the counseling, the soldier elects to seek separation, she will be assisted by the unit legal NCO/clerk in the preparation in initiating a DA Form 4187.
- (5) To the completed DA Form 4187 will be attached as enclosures the physical examination report (SF 88), DA Form 5138-R, DA Form 2A, and DA Form 2-1. Company-level commander will ensure all enclosures are attached and sign DA Form 4187.
- (6) The packet will be reviewed by the legal NCO/Clerk, and forwarded as quickly as possible to the approval authority.
- (7) Approval authority will approve, or, if a general discharge is considered, conduct notification procedures, decide upon a separation date with the guidance of the physician's

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recommendation, and forward the packet back through the soldier's chain of command to the company commander.

(8) Ensure that soldier is cleared from the unit in time for her separation date.

2-9. ALCOHOL OR OTHER DRUG ABUSE REHABILITATION FAILURE

a. Authority: Army Regulation 635-200, Chapter 9

b. When it may be initiated:

(1) When a soldier is enrolled in ADAPCP for alcohol or other drug abuse.

(2) When the commander, in conjunction with the rehabilitative team, determine that further rehabilitative efforts are not practical, thereby rendering the soldier a rehabilitation failure.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: No (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – If board procedures are used

(2) Commander in the rank of LTC or MAJ(P) serving in a LTC-authorized command position who has a Judge Advocate available – If notification procedures are used

g. Procedure to be used: Board (Notification may be used if characterization of service as Under Other than Honorable Conditions is not considered)

h. Type of Discharge Authorized:

(1) Honorable – Mandated when government initially introduces into the final discharge process limited use evidence (see Miscellaneous Issues below)

(2) General (Under Honorable Conditions)

(3) Uncharacterized

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Statement from ADAPCP representative declaring rehabilitation failure

(2) Medical Examination (SF 88)

j. Additional Procedural Requirements:

(1) Soldiers must already have been enrolled in ADAPCP when decision is made to separate them for rehabilitative failure.

(2) Refer the soldier to Medical Treatment Facility for physical examination.

(3) Receive results of physical examination from the physician conducting the examination.

(4) Receive statement from ADAPCP representative declaring soldier to be a rehabilitative failure.

k. Miscellaneous Issues:

(1) Examples of rehabilitative failures are an inability or refusal to participate in, cooperate in, or successfully complete such a program when a) there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical; or b) long-term rehabilitation is necessary and the soldier is transferred to a civilian medical facility for rehabilitation.

(2) "Limited Use Evidence" as defined in AR 600-35 includes the following: a) urine or alcohol breath test results taken to determine a soldier's fitness for duty and the need for counseling, rehabilitation, or other medical treatment or in conjunction with a soldier's participation in ADAPCP; b) soldier's self-referral to ADAPCP; c) admissions or other information concerning drug or alcohol abuse or possession of drugs incidental to personal use occurring prior to the date of initial referral to ADAPCP provided voluntarily by soldiers as part of their initial entry into ADAPCP; d) admissions made by a soldier enrolled in ADAPCP to a physician or ADAPCP counselor during a scheduled interview concerning drug or alcohol abuse or possession of drugs incidental to personal use occurring prior to the date of initial referral to ADAPCP; and e) information concerning drug or alcohol abuse or possession of drugs incidental to personal use obtained as a result of a soldier's emergency medical care for an actual or possible drug or alcohol overdose, unless such treatment resulted from apprehension by military or civilian law enforcement officials.

2-10. DISCHARGE IN LIEU OF TRIAL BY COURT-MARTIAL

a. Reference: Army Regulation 635-200, Chapter 10

b. When it may be initiated:

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(1) When the soldier has committed an offense or offenses, the punishment under the UCMJ and MCM includes a bad conduct or dishonorable discharge;

(2) The soldier has consulted with Trial Defense Services;

(3) The soldier requests the separation for discharge in lieu of trial by court-martial through the Trial Defense Service.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation: No (1-32b)

f. Approval Authority: General Court-Martial Convening Authority (can be delegated to Special Court Martial Convening Authority under circumstances discussed in Miscellaneous Issues below)

g. Type of Discharge Authorized:

(1) Honorable – only authorized if soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

(2) General (Under honorable conditions) – if merited by soldier's overall record during current enlistment

(3) Under Other than Honorable Conditions – normally appropriate

(4) Uncharacterized

h. Documents Required:

(1) DA Form 5138-R, Separation Action Control Sheet (appendix G)

(2) FK FL 9575-E, Request for Discharge in Lieu of Trial by Court-Martial (appendix M)

(3) Commander's recommendation of approval/disapproval and characterization

(4) DD Form 458, CM Charge Sheet

(5) Report of Investigation, when applicable

(6) Any documents, etc., presented for consideration by the separation authority

(7) If based on a suspended sentence of discharge, copy of CM orders or summary of facts which relate to the conduct upon which the request is predicated

(8) Medical Examination (if requested by soldier)

(9) Mental Status Evaluation (if medical examination requested by soldier)

(10) Enlisted Record Brief

(11) Flag for elimination

i. Procedure Used:

(1) Soldier will consult with trial defense services regarding options and possibilities involved with Chapter 10 request.

(2) If soldiers elect to request Chapter 10 separation, they will submit FK FL 9575-E, Request for Discharge in Lieu of Trial by Court-Martial (appendix M), prepared with the assistance of Trial Defense Counsel, to their unit commander.

(3) Commander to whom request is submitted will recommend approval/disapproval with reasons for the recommendation, along with a recommended characterization of discharge.

(4) Commander will forward the request for Chapter 10 separation, accompanied by the soldier's UCMJ offense packet, through channels. Each commander through whom the packet is passed will recommend approval/disapproval with reasons along with a recommended characterization.

(5) The packet will be forwarded to the Staff Judge Advocate for legal review.

(6) The separation authority will approve or disapprove based upon command and SJA recommendations.

(7) If approved, soldier will be notified and processed for separation. If a characterization of service as Under Other than Honorable Conditions is approved, soldier will be reduced to E-1 by PSC, Personnel Actions Section.

j. Miscellaneous Issues: The separation authority is delegated to the Special Court-Martial Convening Authority in cases in which the soldier:

(1) Has been AWOL for more than 30 days;

- (2) Has been dropped from the rolls of the unit as absent in desertion;
- (3) Has been returned to military control;
- (4) Currently is at the Personnel Control Facility; and
- (5) Is charged only with AWOL for more than 30 days.

2-11. ENTRY LEVEL PERFORMANCE AND CONDUCT

a. Authority: Army Regulation 635-200, Chapter 11

b. When it may be initiated:

(1) When a regular army soldier is in the first 180 days of continuous active military service or the first 180 days of continuous active military service following a break of more than 90 days of active military service.

(2) Soldier has exhibited unsatisfactory performance and/or unsatisfactory conduct as evidenced by inability, lack of reasonable effort, failure to adapt to the military environment, and/or minor disciplinary infractions.

(3) If homosexual conduct is NOT involved in the separation.

(4) After the soldier has received adequate counseling and rehabilitation.

c. Rehab Transfer Required: Yes (1-16c) (Separation Authority may waive the requirement of a rehabilitative transfer if it would serve no useful purpose (see appendix M))

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32b)

f. Approval Authority: Commander in the rank of LTC or MAJ(P) serving in a LTC-authorized command position who has a Judge Advocate available

g. Procedure to be Used: Notification

h. Type of Discharge Authorized: Uncharacterized

i. Documents Required:

(1) FK FL 8971-E, Separation Action UP Entry Level Status Performance and Conduct/Acknowledgment/Election of Rights (appendix N)

(2) Commanding Officer's Report to the Separation Authority (appendix F)

(3) Formal Counseling Statements describing inability to adapt to the military environment

(4) Enlisted Record Brief

(5) Flag for Elimination

j. Additional Procedural Requirements:

(1) Ensure that the soldier receives adequate counseling and rehabilitation.

(2) Unless requirement is waived by the separation authority because it would serve no useful purpose, the soldier must be given a rehabilitative transfer (see Chapter 1-18c) before separation actions under this chapter are initiated.

k. Miscellaneous Issues:

(1) Circumstances in which a rehabilitative transfer would serve no useful purpose include two consecutive APFT failures, pregnancy while in Entry Level Status, highly disruptive or potentially suicidal soldiers, particularly those in reception battalions, and soldiers assigned to small installations or at remote locations.

(2) If Basic Active Service Date (BASD) and the information on the DA Form 2A conflict, the date on the enlistment contract starts the clock.

(3) Separations involving homosexual conduct will be processed using Chapter 15.

2-12. SEPARATION FOR UNSATISFACTORY PERFORMANCE

a. Authority: Army Regulation 635-200, Chapter 13

b. When it may be initiated:

(1) When in the commander's judgement, the soldier will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory soldier; or

(2) The seriousness of the circumstances is such that the soldier's retention would have an adverse impact on military discipline, good order, and morale; and

(3) It is likely that the soldier will be a disruptive influence in present or future duty assignments, that the circumstances forming the basis for initiation of separation will continue or

recur, that the soldier has the ability to perform duties effectively in the future, including potential for advancement or leadership; and

(4) After the soldier has received adequate counseling and rehabilitation prior to initiating elimination action.

c. Rehab Transfer Required: Yes (1-16c) (Separation Authority may waive (see 1-16d) the requirement of a rehabilitative transfer if it would serve no useful purpose (see appendix M))

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation: Yes (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – if board procedures are used

(2) Commander in the rank of LTC or MAJ(P) serving in a LTC-authorized command position who has a Judge Advocate available – if notification procedures are used

g. Procedure to be Used: Notification (Board procedures will be used if soldier has 6 or more years of service and so elects)

h. Type of Discharge Authorized:

(1) Honorable – generally required when limited use evidence is initially introduced by the government

(2) General (Under honorable conditions)

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Formal Counseling Statements (especially important after initial APFT failure)

(2) DA Form 705, Army Physical Fitness Test Scorecard (if APFT failure is the reason for separation)

(3) DA Form 1059, Service School Academic Evaluation Report (if elimination from the NCOES is the reason for separation)

(4) Medical Examination (SF 88)

(5) Mental Status Evaluation

(6) Certification, when applicable

j. Additional Procedural Requirements

(1) Formally counsel the soldiers about their deficiencies, and provide the soldiers with an opportunity to improve their performance.

(2) Unless requirement is waived by the separation authority because it would serve no useful purpose, the soldier must be given a rehabilitative transfer (see para 1-16c) before separation actions under this chapter are initiated.

(3) The commander should refer the soldier to the behavioral medicine clinic for a mental evaluation after the soldier has consulted with counsel. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the procedures found in Block VII of this form when making the referral. The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist.

(4) Refer soldier to the Medical Treatment Facility for a physical examination. Have the physician complete a SF 88 for results of examination.

k. Miscellaneous Issues:

(1) The initiation of separation procedures under this chapter by a commander are mandatory when a soldier without medical limitations has two consecutive failures of the Army Physical Fitness Test (AR 350-41) or when a soldier is eliminated from Noncommissioned Officer Education System (NCOES) courses, unless the responsible commander chooses to impose a bar to reenlistment (AR 601-280, Chapter 8).

(2) Army Regulation 350-41, Training with Units, para 9-8, and FM 21-20, Physical Fitness Training, pg. 14-11, both state that in the event of a record test failure, commanders may allow the soldier to retake the test as soon as the soldier and commander feel the soldier is ready. Soldiers without a medical profile will be re-tested NLT 3 months following the initial APFT failure.

(3) "Limited Use Evidence" as defined in AR 600-85 includes the following: a) urine or alcohol breath test results taken to determine a soldier's fitness for duty and the need for counseling, rehabilitation, or other medical treatment or in conjunction with a soldier's participation in ADAPCP; b) soldier's self-referral to ADAPCP; c) admissions or other information concerning drug or alcohol abuse or possession of drugs incidental to personal use occurring prior to the date of initial referral to ADAPCP provided voluntarily by a soldier as part of his or her initial entry into ADAPCP; d) Admissions made by a soldier enrolled in ADAPCP to a physician or ADAPCP counselor during a scheduled interview concerning drug or alcohol abuse or possession of drugs incidental to personal use occurring prior to the date of initial

referral to ADAPCP; and e) Information concerning drug or alcohol abuse or possession of drugs incidental to personal use obtained as a result of a soldier's emergency medical care for an actual or possible drug or alcohol overdose, unless such treatment resulted from apprehension by military or civilian law enforcement officials.

2-13. CONVICTION BY CIVIL COURT

a. Authority: Army Regulation 635-200, Chapter 14, Section II

b. When it may be initiated:

(1) When the company-level commander determines that the specific circumstances of a civil conviction warrant separation, based upon the gravity of the offense, extenuating circumstances, the soldier's military record, and prospects for rehabilitation;

(2) When a soldier has been initially convicted by civil authorities, or when action is taken that is tantamount to a finding of guilty; and

(3) A punitive discharge would be authorized for the same or a closely related offense under the MCM; or

(4) The sentence by civil authorities includes confinement for 6 months or more, without regard to suspension or probation

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: No (1-32a)

e. Mental Status Evaluation Required: No (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – when under Other than Honorable (OTH) conditions discharge is not warranted under para 3-7c and the notification procedure is used.

(2) General Court-Martial Convening Authority – if an OTH discharge is considered.

g. Procedure to be Used:

(1) If soldier has less than 6 years of service, or if characterization of service discharge as Under Other than Honorable Conditions is not considered: Notification

(2) If soldier has 6 or more years of service, or if characterization of service discharge as Under Other than Honorable Conditions is considered: Board

h. Type of Discharge Authorized:

(1) Honorable – only authorized if soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

(2) General (under Honorable Conditions) – if merited by the soldier's overall record

(3) Under Other than Honorable Conditions – normally appropriate

(4) Uncharacterized

i. Documents Required: In addition to the documentation listed in para 1-7, court documents reflecting the conviction by civil court, sentence imposed, and whether an appeal has been submitted (or the latest date it may be submitted) are required before initiating separation.

j. Additional Procedural Requirements:

(1) Acquire court documents reflecting conviction by civil court, sentence imposed, and whether an appeal has been submitted or the latest date it may be submitted.

(2) Determine if the circumstances of the offense warrant retention. Retention should be considered only in exceptionally meritorious cases.

k. Miscellaneous Issues:

(1) A soldier convicted by civil court or adjudged a juvenile offender will be reduced or considered for reduction for misconduct UP AR 600-8-19, Chapter 6.

(2) Soldiers subject to discharge will be considered and processed for discharge even though they have filed an appeal or has stated an intention to do so.

(3) Execution of an approved discharge will be withheld until the soldiers have indicated in writing that they do not intend to appeal the civil conviction, the time an appeal may be made has expired, or the current term of service, as adjusted, has expired, whichever comes first.

2-14. ACTS OR PATTERNS OF MISCONDUCT

2-14a. MINOR DISCIPLINARY INFRACTIONS

a. Authority: Army Regulation 635-200, para 14-12a, Section III

b. When it may be initiated:

(1) When a soldier has developed a pattern of misconduct consisting solely of minor military disciplinary infractions.

(2) When it is clearly established that despite attempts to rehabilitate or develop them as satisfactory soldiers, further efforts are unlikely to succeed, rehabilitation is impracticable or soldiers are not amenable to rehabilitation (as indicated by the medical or personal history record), or processing through medical channels is not appropriate.

(3) After the soldier has received adequate counseling and rehabilitation.

(4) Soldier is not in an Entry-Level Status (whose misconduct consists solely of minor disciplinary infractions).

c. Rehab Transfer Required: Yes (1-16c) (Separation Authority may waive the requirement of a rehabilitative transfer if it would serve no useful purpose (see appendix M))

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: Yes (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable condition is not considered and notification procedure is used

(2) General Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable conditions is considered

g. Procedure to be Used: Board (Notification may be used if characterization of discharge as Under Other than Honorable conditions is not considered)

h. Type of Discharge Authorized:

(1) Honorable – may only be ordered if commander exercising General Court-Martial Authority authorizes

(2) General (under honorable conditions) – may be directed if merited by the soldier's overall record

(3) Under Other than Honorable Conditions – Normally Appropriate

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Formal Counseling Statements, detailing minor disciplinary infractions

(2) Evidence of misconduct (DA Form 2329, Summary Courts-Martial Result of Trial/JAG Review Endorsement, Articles 15, bad check notifications, letters of reprimand, bar to reenlistment, etc.)

(3) Medical Examination (SF 88)

(4) Mental Status Evaluation

j. Additional Procedural Requirements:

(1) Counsel the soldiers using DA Form 4856-R, and give them the opportunity to improve performance.

(2) Unless requirement is waived by the separation authority because it would serve no useful purpose, the soldier must be given a rehabilitative transfer (see Chapter 1-18c) before separation actions under this chapter are initiated.

(3) Refer the soldier to Medical Treatment Facility for physical examination. Have the attending physician complete an SF 88 with the results of the examination.

(4) The commander will refer the soldier to the behavioral medicine clinic for a mental evaluation after the soldier has consulted with counsel. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the procedures found in Block VII of this form when making the referral. The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist.

k. Miscellaneous Issues:

(1) UP AR 635-200, para 14-12c(2)(a) a single drug abuse offense may be combined with one or more minor disciplinary infractions and processed under 14-12 a or b as appropriate.

(2) Soldiers in Entry Level Status whose misconduct consists of minor disciplinary infractions will be processed under Chapter 11.

2-14b. PATTERN OF MISCONDUCT

a. Authority: Army Regulation 635-200, para 14-12b, Section III

b. When it may be initiated:

(1) When a soldier has displayed a pattern of misconduct consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline. Examples include conduct that violates the accepted standards of personal conduct found in the UCMJ, Army Regulations, the civil law, and time-honored customs and traditions of the Army.

(2) When it is clearly established that despite attempts to rehabilitate or develop them as satisfactory soldiers, further efforts are unlikely to succeed; rehabilitation is impracticable or soldiers are not amenable to rehabilitation (as indicated by the medical or personal history record).

(3) After soldier has received adequate counseling and rehabilitation.

c. Rehab Transfer Required: Yes (1-16c) (Separation Authority may waive the requirement of a rehabilitative transfer if it would serve no useful purpose (appendix M))

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: Yes (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable conditions is not considered and notification procedure is used

(2) General Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable conditions is considered

g. Procedure to be Used: Board (Notification may be used if characterization of discharge as Under Other than Honorable conditions is not considered)

h. Type of Discharge Authorized:

(1) Honorable -- may only be ordered if commander exercising General Court-Martial Authority authorizes

(2) General (under honorable conditions) -- may be directed if merited by the soldier's overall record

(3) Under Other than Honorable Conditions – normally appropriate

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Formal Counseling Statements, detailing pattern of misconduct

(2) Evidence of misconduct (DA Form 2329, Summary Courts-Martial Result of Trial/JAG Review Endorsement, Articles 15, bad check notifications, letters of reprimand, bar to reenlistment, etc.)

(3) Medical Examination (SF 88)

(4) Mental Status Evaluation

j. Additional Procedural Requirements:

(1) Counsel the soldiers using DA Form 4856-R, and give them the opportunity to improve performance.

(2) Unless requirement is waived by the separation authority because it would serve no useful purpose, the soldier must be given a rehabilitative transfer (see Chapter 1-18c) before separation actions under this chapter are initiated.

(3) Refer the soldier to Medical Treatment Facility for physical examination. Have the attending physician complete an SF 88 with the results of the examination.

(4) The commander will refer the soldier to the behavioral medicine clinic for a mental evaluation after the soldier has consulted with counsel. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the procedures found in Block VII of this form when making the referral. The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist.

k. Miscellaneous Issues:

(1) UP AR 635-200, para 14-12c(2)(a), a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidences and processed UP para 14-12 a or b as appropriate.

(2) Soldiers in Entry Level Status whose misconduct consists of a pattern of misconduct will be processed under Chapter 11.

2-14c. COMMISSION OF A SERIOUS OFFENSE

a. Authority: Army Regulation 635-200, para 14-12c, Section III

b. When it may be initiated: When a soldier has committed a serious military or civilian offense, and the circumstances of the offense warrant separation and a punitive discharge would be authorized for the same or a closely related offense under the MCM.

c. Rehab Transfer Required: No (1-16c)

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: Yes (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable conditions is not considered and notification procedure is used

(2) General Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable conditions is considered

g. Procedure to be Used: Board (Notification may be used if characterization of discharge as Under Other than Honorable conditions is not considered)

h. Type of Discharge Authorized:

(1) Honorable – may only be ordered if commander exercising General Court-Martial Authority authorizes

(2) General (under honorable conditions) – may be directed if merited by the soldier's overall record

(3) Under Other than Honorable Conditions – normally appropriate

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Evidence of misconduct (DA Form 2329, Summary Courts-Martial Result of Trial/JAG Review Endorsement, Articles 15, bad check notifications, letters of reprimand, bar to reenlistment, etc.)

(2) Medical Examination (SF 88)

(3) Mental Status Evaluation

j. Additional Procedural Requirements:

(1) Make a determination if the circumstances of the offense warrant separation. Retention should only be considered in exceptionally meritorious cases.

(2) Refer the soldier to Medical Treatment Facility for physical examination. Have the attending physician complete an SF 88 with the results of the examination.

(3) The commander will refer the soldier to the behavioral medicine clinic for a mental evaluation after the soldier has consulted with counsel. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the procedures found in Block VII of this form when making the referral. The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist.

k. Miscellaneous Issues:

(1) An absentee returned to military control from an AWOL or deserter status may be separated for commission of a serious offense.

(2) Abuse of illegal drugs is serious misconduct. Commanders are required to process the soldier for separation if:

(a) They are first-time offenders in the grade of E5-E9. Others may be processed at the discretion of the commander.

(b) They are a second-time offender in any enlisted grade.

(c) They are medically diagnosed as drug dependent and they have completed actions required by AR 600-85.

2-15. DISCHARGE FOR HOMOSEXUAL CONDUCT

a. Authority: Army Regulation 635-200, Chapter 15. See also AR 600-20, para 4-19, 15 July 1999.

b. When it may be initiated: When soldiers have engaged in, attempted to engage in, or solicited another person to engage in a homosexual act or acts, have made a statement that they are homosexual or bisexual, or words to that effect, or have married or attempted to marry a person known to be of the same biological sex.

c. Rehab Transfer Required: No (1-16a)

d. Medical Examination Required: Yes (1-32a)

e. Mental Status Evaluation Required: Yes (1-32b)

f. Approval Authority:

(1) Special Court-Martial Convening Authority – if characterization of discharge as under Other than Honorable conditions is not considered

(2) General Court-Martial Convening Authority – if characterization of discharge as Under Other than Honorable conditions is considered

g. Procedure to be Used: Board

h. Type of Discharge Authorized:

- (1) Honorable
- (2) General (under honorable conditions)
- (3) Under Other than Honorable Conditions – see comments below
- (4) Uncharacterized

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

- (1) Documentation showing soldier has engaged in homosexual conduct/acts
- (2) Medical Examination (SF 88)
- (3) Mental Status Evaluation

j. Additional Procedural Requirements:

- (1) Receive or gather evidence of the soldier's alleged homosexual conduct.
- (2) The commander will refer the soldier to the behavioral medicine clinic for a mental evaluation after the soldier has consulted with counsel. Such a referral should be made using a FK Form 4388-E (appendix J). Commanders should follow the procedures found in Block VII of this form when making the referral. The Behavioral Medicine Clinic will provide a written evaluation signed by the evaluating psychiatrist or licensed clinical psychologist.
- (3) Refer soldier to Medical Treatment Facility for medical examination. Receive results of examination from attending physician.

k. Miscellaneous Issues

(1) Before initiating separation action under this chapter, commanders should first consult with a Judge Advocate to determine if the conduct does in fact rise to level of homosexual conduct.

(2) Homosexual conduct is the sole basis for separation, a characterization of discharge as Under Other than Honorable conditions may be issued only if such a characterization is

warranted IAW Chapter 3, Section III, and if there is a finding that during the current term of service the soldier attempted, solicited, or committed a homosexual act –

- (a) by using force, coercion, or intimidation;
- (b) with a person under 16 years of age;
- (c) with a subordinate in circumstances that violate customary military superior-subordinate relationships;
- (d) openly in public view;
- (e) for compensation;
- (f) aboard a military vessel or aircraft; or
- (g) in another location subject to military control if the conduct had, or was likely to have had, an adverse impact on discipline, good order, or morale due to close proximity of other soldiers of the Armed Forces.

2-16. FAILURE TO MEET BODY FAT STANDARDS

- a. Authority: Army Regulation 635-200, Chapter 18
- b. When it may be initiated:
 - (1) When a soldier fails to meet the body fat standards set forth in AR 600-9.
 - (2) When failure to meet body fat standards is the sole basis for separation.
 - (3) After soldier has been given a reasonable opportunity to comply with and meet the body fat standards.
 - (4) After soldier has received dietary counseling required IAW AR 600-9.
- c. Rehab Transfer Required: No (1-16c)
- d. Medical Examination Required: Yes (1-32a)
- e. Mental Status Evaluation Required: No (1-32b)
- f. Approval Authority: Commander in the rank of LTC or MAJ(P) serving in a LTC-authorized command position who has a Judge Advocate available. If soldier has 18 or more years of AFS, approval authority is HQDA (para 1-21f).

g. Procedure to be Used: Notification

h. Type of Discharge Authorized: Honorable

i. Documents Required: In addition to the documentation listed in para 1-7, the following documentation is required for this type of separation:

(1) Notification from Commander and receipt of acknowledgement from soldier acknowledging entry into the Weight Control Program (appendix P).

(2) Memorandum from Health Care Personnel indicating no medical condition exists which precludes the soldier from losing weight (appendix P). (Must be complete and dated)

(3) Memorandum from Nutritionist indicating soldier was provided nutrition education and weight reduction counseling (appendix P). (Must be complete and dated)

(4) If based on reentry into the overweight program, evidence of prior disenrollment from the weight control program (appendix P)

(5) Monthly Weigh-in Sheets

(6) Medical Examination (SF 88)

(7) Certification, when applicable

j. Additional Procedural Requirements: (see appendix Q)

(1) Weigh and tape soldiers to determine if they exceed the screening table weight (AR 600-9, pg 7) and the body fat standard (AR 600-9, pg 4).

(2) Initiate a flag on the soldier. Inform the soldier of enrollment into the overweight program in memorandum format. When the soldier acknowledges receipt of the memorandum, the clock starts for the purposes of chapter action.

(3) Refer the soldier to a nutritionist for nutritional counseling and proper weight-loss counseling. This is done by memorandum and must take place as soon as the soldier is enrolled in the program.

(4) Refer the soldier to the TMC for medical screening to determine if there is a medical condition that will preclude the soldier from losing weight. This is also done by memorandum and also must take place as soon as possible after the soldier has been enrolled in the program.

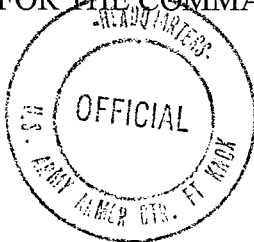
(5) Conduct monthly weigh-ins. If the soldier shows no improvement in any two consecutive monthly weigh-ins, chapter. If after 6 months, the commander determines that the

soldier has not shown adequate improvement, the commander can either impose a bar to reenlistment or can chapter.

(6) If the soldier meets the body fat standard and the screening table weight as prescribed by AR 600-9, remove the soldier from the overweight program. This removal is through memorandum and should be kept on file in the unit for the next 36 months.

k. Miscellaneous Issues: See appendix Q for flow chart on weight control separations.

FOR THE COMMANDER:



ROBERT L. BROOKS
Director, Information Management

OFFICIAL:
J. MICHAEL LINEBERGER
Colonel, GS
Chief of Staff

DISTRIBUTION:

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CF:
DCG, USAARMC

Appendix A
References

REFERENCES

- A-1 AR 15-6, Procedures for Investigating Officers and Board of Officers, 11 May 1988
- A-2 AR 40-501, Standards of Medical Fitness, 30 August 1995
- A-3 AR 350-41, Training in Units, 19 March 1993
- A-4 AR 600-9, The Army Weight Control Program, 1 September 1986
- A-5 AR 600-20, Army Command Policy, 15 July 1999
- A-6 AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 30 October 1987
- A-7 AR 600-37, Unfavorable Information, 19 December 1986
- A-8 AR 600-8-19, Enlisted Promotions and Reductions, 2 October 2000
- A-9 AR 600-85, Alcohol and Drug Abuse Prevention and Control, 3 November 1986
Program
- A-10 AR 614-200, Enlisted Assignments and Utilization Management, 31 October 1997
- A-11 AR 601-210, Regular Army and Army Reserve Enlistment Program, 28 February 1995
- A-12 AR 601-280, Army Retention Program, 31 March 1999
- A-13 AR 380-67, Personnel Security Program, 9 September 1988
- A-14 AR 623-205, Noncommissioned Officer Evaluation Reporting System, 31 March 1992
- A-15 AR 635-40, Physical Evaluation for Retention, Retirement, or Separation, 15 August
1990
- A-16 AR 635-200, Enlisted Personnel, 1 November 2000
- A-17 Fort Knox Reg 27-10, Military Justice, 9 July 1999
- A-18 FM 21-10, Physical Fitness Training, 30 September 1992

NOTIFICATION MEMORANDUM REQUIRING NOTIFICATION PROCEDURES**DEPARTMENT OF THE ARMY**

Fort Knox, Kentucky 40121

(635-200a)

(Office Symbol)

(Date)

MEMORANDUM FOR _____

(Soldier's name, SSN, grade, and unit)

SUBJECT: Separation Under AR 635-200, Chapter _____

(enter appropriate chapter)

1. Under the provisions of AR 635-200, chapter _____, section _____, paragraph _____, I am initiating action to separate you for _____ (indicate narrative reason).
The reasons for my proposed action are: _____ (state specific, factual details which constitute the basis for the proposed action).

2. I am recommending that you receive (a) (an) _____

(characterization of service)

(entry level separation). My recommendation and your reply will be submitted to the Commander, who is the separation authority and will make the final

_____ (cite unit designation of separation authority)
decision in your case.

3. The intermediate commander(s) and the separation authority are not bound by my recommendation as to characterization of service. The separation authority may direct that your service be characterized as honorable or under honorable conditions, or you may receive an entry level separation (uncharacterized) if in an entry level status.

4. If my recommendation is approved, the proposed separation could result in (discharge, release from active duty to a Reserve Component (see para 1-34), or release from custody and control of the Army).

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**AUTHORITY:** Section 301, Title 5 U.S.C., and Section 3013, Title 10 U.S.C.**PURPOSE:** To be used by processing activities and the approval authority to determine if the member meets the requirements for recommended separation action.**ROUTINE USES:** Upon completion of processing actions, the statement is filed in the MPRJ. So long as filed in the MPRJ, this personal information may be used by other appropriate Federal agencies and State and local government authorities where the use of the information is compatible with the purpose for which the information is collected. Release of any information from this form is subject to the restrictions of 42 USC 290dd-3. Under these statutes and regulations, disclosure of information that would identify the client as an abuser of alcohol or other drugs is authorized within the Armed Forces or to those components of the Veterans Affairs furnishing health care to veterans. AR 600-85 further limits disclosure within the Armed Forces to those individuals having an official need to know (for example, the physician or the client's unit commander). All other disclosures require the written consent of the client except disclosures (1) to medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency; (2) to qualified personnel conducting scientific research, management for financial audits, or program evaluation; or (3) upon the order of a court of competent jurisdiction.**DISCLOSURE:** Submission of a statement for consideration is voluntary. If a statement is not submitted, the Army will determine separation or retention based on the available information.

5. You have the right to consult with consulting counsel and/or civilian counsel at no expense to the Government within a reasonable time (not less than 3 duty days).

6. You may submit written statements in your behalf.

7. You may obtain copies of documents that will be sent to the separation authority supporting the proposed separation. (Classified documents may be summarized.)

8. You are entitled to a hearing before an administrative board if you have 6 or more years of active and reserve military service at the time of separation.

9. You may waive the rights listed above in paragraphs 5, 6, 7, and 8 in writing and you may withdraw any such waiver at any time prior to the date the separation authority orders, directs, or approves your separation.

10. If entitled to have your case heard before an administrative separation board, you may submit a conditional waiver of that right.

*11. You are required to undergo a complete medical examination in accordance with AR 40-501. Arrangements have been made for this examination and you are to report to _____

_____ at _____ on _____ (time) (date) (location)

*12. You are required to undergo a mental status evaluation in accordance with AR 40-501. Arrangements have been made for this examination and you are to report to _____

at _____ on _____ (time) (date) (location)

13. Execute the attached acknowledgment (FK FL 9583) and return it within 7 duty days from the date of your receipt of this memorandum. Any statement you desire to submit in your behalf must reach me within 7 duty days after you receive this memorandum, unless you request and receive an extension for good cause shown. Unless an extension is granted, failure to respond within 7 duty days will constitute a waiver of the rights in paragraphs 5, 6, 7, and 8.

Encl Listing

(Commander's signature)

(Typed name, grade, and branch)

Notes:

*To be used when required by paragraph 1-32.

NOTIFICATION MEMORANDUM REQUIRING ADMINISTRATIVE BOARD PROCEDURES

DEPARTMENT OF THE ARMY

Fort Knox, Kentucky 40121

(635-200a)

(Office Symbol)

(Date)

MEMORANDUM FOR _____

(Soldier's name, SSN, grade, and unit)

SUBJECT: Separation Under AR 635-200, Chapter _____

(enter appropriate chapter)

1. Under the provisions of AR 635-200, chapter _____, section _____, paragraph _____, I am initiating action to separate you for _____ (indicate narrative reason).
 The reasons for my proposed action are: _____ (state specific, factual details which constitute the basis for the proposed action).

2. I am recommending that you receive **(a) (an) (characterization of service) (entry level separation)**. The intermediate commander(s) and the separation authority are not bound by my recommendation as to characterization of service. The separation authority in your case is _____

(cite unit designation of separation authority).

The separation authority may direct that your service be characterized as honorable, under honorable conditions, under other than honorable conditions, or you may receive an entry level separation (uncharacterized) if you are in an entry-level status. However, the separation authority may not direct the issuance of a type of discharge or characterization of service less favorable than that recommended by the board should you request a hearing before an administrative board.

3. If my recommendation is approved, the proposed separation could result in (discharge, release from active duty to a Reserve Component (see para 1-34), or release from custody and control of the Army).

4. You have the right to consult with consulting counsel **(and) (or)** civilian counsel at no expense to the Government within a reasonable time (not less than 3 duty days).

5. You may obtain copies of documents that will be sent to the separation authority supporting the proposed separation. (Classified documents may be summarized.)

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: Section 301, 5 U.S.C., and Section 3013, Title 10 U.S.C.

PURPOSE: To be used by commander exercising separation authority over the soldier to determine approval or disapproval of his/her request for conditional waiver and, in case of disapproval, to indicate the soldier's options concerning rights available to him/her in contemplated administrative separation cases.

ROUTINE USES: Information provided in the statement is used by processing activities and the approval authority to determine what rights the soldier desires to exercise and the offering of such rights as indicated. Upon completion of processing actions, the statement is filed in the MPRJ. As long as filed in the MPRJ, the personal information may be used by other appropriate Federal agencies and State and local government authorities where the use of the information is compatible with the purpose for which the information is collected.

DISCLOSURE: Disclosure is voluntary. If the information is not provided, the Army will complete processing using information available.

6. You may request a hearing before an administrative board, or you may present written statements instead of board proceedings.
7. You may request appointment of military counsel for representation. You may also retain civilian counsel at no expense to the Government.
8. You may waive the rights listed above in paragraphs 4, 5, 6, and 7 in writing and you may withdraw any such waiver at any time prior to the date the separation authority orders, directs, or approves your separation.
9. You may submit a conditional waiver of your right to have your case heard by an administrative separation board.
- *10. You are required to undergo a complete medical examination in accordance with AR 40-501. Arrangements have been made for this examination and you are to report to _____ at _____ on _____ .
(time) (date) (location)
- *11. You are required to undergo a mental status evaluation in accordance with AR 40-501. Arrangements have been made for this examination and you are to report to _____ at _____ on _____ .
(time) (date) (location)
12. Execute the attached acknowledgment (FK FL 9583) and return it within 7 duty days from the date of your receipt of this memorandum. Any statement you desire to submit in your behalf must reach me within 7 duty days after you receive this memorandum, unless you request and receive an extension for good cause shown. Unless an extension is granted, failure to respond within 7 duty days will constitute a waiver of the rights in paragraphs 4, 5, 6, and 7.

Encl Listing

(Commander's signature)

(Typed name, grade, and branch)

Notes:

*To be used when required by paragraph 1-32.

DEPARTMENT OF THE ARMY

Fort Knox, Kentucky 40121

(Office Symbol) (635-200a)

(Date)

MEMORANDUM FOR _____

SUBJECT: Separation Under AR 635-200, Chapter _____

(enter appropriate chapter)

*1. I have been advised by my consulting counsel of the basis for the contemplated action to separate me for _____ (reason(s)) under AR 635-200, Chapter _____, and its effects; of the rights available to me; and the effect of any action taken by me in waiving my rights. I understand that if I have 6 years of total active and reserve military service at the time of separation, under AR 635-200, Chapter _____, (or I have been notified that I am subject to a characterization of service under other than honorable conditions), I am entitled to have my case considered by an administrative separation board. (I understand that if I have less than 6 years of total active and reserve service at the time of separation, I am not entitled to have my case heard by an administrative separation board unless I am being considered under other than honorable conditions.) (I understand that if I am being considered for separation under AR 635-200, Chapter 15 (homosexual conduct), I am entitled to have my case heard by an administrative separation board.)

2. I (request) (waive) consideration of my case by an administrative separation board. ** (This waiver (does) (does not) apply to my Reserve Officer status.) (I am a Reserve (commissioned or warrant) officer. My Reserve grade is _____ and my date of appointment is _____).

***3. I have been advised of my right to submit a conditional waiver of my right to have my case considered by an administrative separation board.

4. I (request) (waive) personal appearance before an administrative separation board.

5. Statements in my own behalf (are) (are not) submitted herewith (enclosure _____).

6. I (request) (waive) (consulting counsel) (and) representation by my military counsel (and) (or) (civilian counsel at no expense to the Government).

7. I understand that my willful failure to appear before the administrative separation board by absenting myself without leave will constitute a waiver of my rights to personal appearance before the board.

8. I understand that I may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to me. **** (I further understand that, as the result of issuance of a discharge under other than honorable conditions, I may be ineligible for many or all benefits as a veteran under both Federal and State laws and that I may expect to encounter substantial prejudice in civilian life.) I understand that if I receive a discharge/character of service which is less than honorable, I may make application to the Army Discharge Review Board or the Army Board for Correction of Military Records for upgrading; however, I realize that an act of consideration by either board does not imply that my discharge will be upgraded.

9. I understand that I may, up until the date the separation authority orders, directs, or approves my separation, withdraw this waiver and request that an administrative separation board hear my case.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: Section 301, Title 5 U.S.C., and Section 3013, Title 10 U.S.C.

PURPOSE: To be used by the commander exercising separation authority over you to determine approval or disapproval of the separation action.

ROUTINE USES: Information provided in the statement is used by processing activities and the approval authority to determine what rights soldier desires to exercise and the offering of such rights as indicated. Upon completion of processing actions, the statement is filed in the MPRJ. So long as filed in the MPRJ, the personal information may be used by other appropriate Federal agencies and State and local government authorities where the use of the information is compatible with the purpose for which the information is collected.

DISCLOSURE: Voluntary. If the information is not provided, the Army will complete processing using information available.

*****10. I understand that if I am being considered for separation for fraudulent entry, my enlistment may be voided under certain circumstances and that all pay and allowances will be suspended immediately upon verification of the fraudulent entry.

11. I have retained a copy of this statement.

____ Encl(s)

(Signature of individual)

(Typed name, SSN, and grade)

(Current Date)

Having been advised by me of the basis for **(his or her)** contemplated separation and its effects, the rights available to **(him or her)** of a waiver of **(his or her)** rights, personally made the choices indicated in the foregoing statement.

(Soldier's Name)

(Signature of counsel)

(Typed name, SSN, grade, and branch)

NOTES:

*If the soldier declines to consult with consulting counsel prior to waiving his or her rights, he or she will be advised to do so by his or her commander. If he or she persists in his or her refusal, insert as first sentence of paragraph 2, the following statement: **"Before completing this format, I have been afforded the opportunity to consult with appointed counsel for consultation; or military counsel of my own choice, if he or she is reasonably available; or civilian counsel at my own expense. I decline the opportunity."** Separation action will then proceed as if the soldier had consulted with counsel. In all cases, except the above, consulting counsel will witness their statement and indicate that he or she is a commissioned officer of the Judge Advocate General's Corps.

** To be used if the soldier holds status as a Reserve commissioned or warrant officer.

***If the soldier desires to submit a conditional waiver of the right to have his or her case considered by an administrative separation board, use FK FL 9586.

****To be used if the member has been recommended for discharge for fraudulent entry, misconduct, or homosexual conduct.

*****To be used if the soldier is considered for separation for fraudulent entry.

DEPARTMENT OF THE ARMY

Fort Knox, Kentucky 40121

(635-200a)

(Office symbol)

(Date)

MEMORANDUM FOR _____

SUBJECT: Request for Conditional Waiver--Separation Under AR 635-200, Chapter
(Enter appropriate chapter)

1. I have been advised by my consulting counsel of the basis for the contemplated action to separate me for _____ (reason) under AR 635-200, Chapter _____ and its effects; of the rights available to me; and the effect of any action taken by me in waiving my rights. I understand that I am entitled to have my case considered by an administrative separation board (because I will have 6 or more years of active and reserve service at the time of separation) (because I am being considered for a separation under other than honorable conditions) (because I am being separated under Chapter 15 (homosexual conduct)).

*2. Prior to completing this form, I have been afforded the opportunity to consult with consulting counsel

3. I, _____ (name), _____ (SSN) hereby voluntarily waive consideration of my case by an administrative separation board contingent upon my receiving a characterization of service or description of separation no less favorable than (honorable) (under honorable conditions--otherwise referred to as a "General" discharge).

**This waiver (does) (does not) apply to my Reserve Officer status.

4. Statements in my own behalf (are) (are not) submitted herewith (enclosure _____).

5. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person.

6. I understand that I may, up until the date the separation authority orders, directs, or approves my separation, withdraw this waiver and request that an administrative separation board hear my case.

7. I understand that if the separation authority refuses to accept this conditional waiver of a hearing before an administrative separation board that my case will be referred to an administrative separation board. In this case:

a. I (request) (waive) personal appearance before an administrative separation board.

b. I (request) (waive) (consulting counsel) (and) representation by (counsel for representation) (or) _____ (grade and name) as my military counsel (and) (civilian counsel at no expense to the Government).

c. I understand that my willful failure to appear before the administrative separation board by absenting myself without leave will constitute a waiver of my rights to personal appearance before the board.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: Section 301, Title 5 U.S.C., and Section 1169, Title 10 U.S.C.

PURPOSE: To be used by the commander exercising separation authority over you to determine approval or disapproval of your request and in case of disapproval to indicate the soldier's options as pertain to rights available to him or her in contemplated administrative separation cases.

ROUTINE USES: Information provided in the statement is used by processing activities and the approval authority to determine what rights soldier desires to exercise and the offering of such rights as indicated. Upon completion of processing actions, the statement is filed in the MPRJ. So long as filed in the MPRJ, the personal information may be used by other appropriate Federal agencies and State and local government authorities where the use of the information is compatible with the purpose for which the information is collected.

DISCLOSURE: Disclosure is voluntary. If the information is not provided, the Army will complete processing using information available.

8. I understand that I may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to me. *****I further understand that, as the result of issuance of a discharge under other than honorable conditions, I may be ineligible for many or all benefits as a veteran under both Federal and State laws and that I may expect to encounter substantial prejudice in civilian life).** I understand that if I receive a discharge/character of service which is less than honorable, I may make application to the Army Discharge Review Board or the Army Board for Correction of Military Records for upgrading; however, I realize that an act of consideration by either board does not imply that my discharge will be upgraded.

****9. I understand that if I am being considered for separation for fraudulent entry, my enlistment may be voided under certain circumstances and that all pay and allowances will be suspended immediately upon verification of the fraudulent entry.

10. I further understand that I will be ineligible to apply for enlistment in the United States Army for a period of 2 years after discharge.

11. I have retained a copy of this statement.

UNDERSTANDING: I have read and understand each of the statements above and understand that they are intended to constitute all promises whatsoever concerning my conditional waiver. Any other promise, representation, or commitment made to me in connection with my separation is written below in my own handwriting or is hereby waived. **(If none, write "NONE".)**

____ Encl(s)

(Signature of individual)

(Typed name, SSN, and grade)

(Current Date)

Having been advised by me of the basis for **(his or her)** contemplated separation and its effects, the rights available to **(him or her)** of a waiver of **(his or her)** rights, personally made the choices indicated in the foregoing statement.

(Soldier's grade/name)

(Signature of counsel)

(Typed name, SSN, grade, and branch)

NOTES:

*If the soldier declines to consult with consulting counsel prior to waiving his or her right to consult with such counsel, he or she will be advised to do so by his or her commander. If the soldier persists in his or her refusal, insert as first sentence of paragraph 2, the following statement: **"Before completing this format, I have been afforded the opportunity to consult with appointed counsel for consultation; or civilian counsel at my own expense. I decline the opportunity."** Separation action will then proceed as if the soldier had consulted with counsel. In all cases, except the above, consulting counsel will witness the soldier's statement and indicate that he or she is a commissioned officer of the Judge Advocate General's Corps.

** To be used if the soldier holds status as a Reserve commissioned or warrant officer.

***To be used if the soldier has been recommended for discharge for fraudulent entry, misconduct, or homosexual conduct.

****To be used if the soldier is considered for separation for fraudulent entry. Renumber later paragraphs if this paragraph is not used.

COMMANDING OFFICER'S REPORT

For use of this form, see Fort Knox Pam 635-200

DEPARTMENT OF THE ARMY

Fort Knox, Kentucky 40121

S: _____

(Date)

(Office Symbol) (635-200a)

MEMORANDUM FOR _____

SUBJECT: Discharge for _____ Under AR 635-200, Chapter _____
Paragraph _____

1. It is recommended that (Name, rank, SSN) _____
be eliminated from the Army under the provisions of AR 635-200, Chapter _____, Paragraph _____,
for the _____
because _____

2. In support of the recommendation, the following information is provided for (Name) _____:

a. Number of service years _____, _____ months, as of this date.

b. He/she last enlisted (or re-enlisted) on _____ for a term of _____ years and
has/has no prior service. (State each enlistment.) _____
He/she is _____ years old.

c. He/she has/has no Reserve commission or warrant.

d. Discharge is recommended because of _____

(Include narrative statement of basis for discharge and results of counseling sessions.)

e. During the period _____ to present, this soldier has been assigned to various duties
(List duty assignments and quality of service). His/her assignments in this battalion have been as listed below:

- (1) _____
- (2) _____
- (3) _____
- (4) _____

(Office Symbol)

SUBJECT: Discharge for _____ Under AR 635-200, Chapter _____
Paragraph _____

f. **He/she** has been counseled as indicated below:

- (1) _____
- (2) _____
- (3) _____
- (4) _____

g. During (Name) _____ 's current enlistment term of (From/to) _____

_____, **he/she** has been promoted from _____ to _____
and has been reduced from _____ to _____
on _____ for _____

h. (Name) _____ has _____ days of AWOL and _____ days
of confinement.

i. As discharge is recommended for the reasons stated in paragraph 2d above, elimination for unsuitability,
or other disposition of the case, **is/is not** considered appropriate. (Rank/name) _____ 's
performance is characterized by _____

j. List convictions by Civil Court and Articles 15, include offense and punishment (Encl 5).

k. The following additional information for this enlistment, after a thorough screening of soldier's
201 File is submitted. (Information includes, but is not limited to evaluations, awards, promotions,
memorandums of achievement and appreciation, Enlisted Evaluation Reports (EERs), and memorandums
of reprimand. This information will be added as enclosures to this memorandum.

l. Any medical or other data meriting consideration in the overall evaluation is submitted below and is
attached as an enclosure. _____

(Office Symbol)

SUBJECT: Discharge for _____ Under AR 635-200, Chapter _____
 Paragraph _____

m. Any information pertinent to this case, not listed above, is listed below:

n. There **is/is not** a record of lost time. If so, soldier was AWOL from _____ to _____
 to _____ . Soldier was confined by civilian authorities from _____ to _____

Encls

1. Memo of Notification
2. Med Exam (SF88, SF93,
DA Form 3822-R)
3. Extract of Previous Convictions
(DD Form 493)
4. Rec of Art 15 Proceedings
(DA Form 2627)
5. Enlisted Record Brief
(Ensure most current forms are sent)

(NAME)

(Rank/Branch)

 Commanding

M

TAB

TAB

TAB

SEPARATION ACTION CONTROL SHEET

For use of this form, see AR 635-200; the proponent agency is PERSCOM

NAME (Last, First, Middle Initial)

SSN

UNIT

DATE PREPARED

ITEM NO.	ACTION	DATE	DAYS REQUIRED	TOTAL ELAPSED DAYS
1.	Notification to service member of initiation of separation procedures.			
2.	Service member acknowledges receipt of notification.			
3.	Service member indicates election of rights.			
4.	Unit Commander's recommendation for separation forwarded to:			
5.	Separation case received at:			
6.	Actions completed (Specify): and/or case forwarded to:			
7.	Separation case received at:			
8.	Actions completed (Specify): and/or case forwarded to:			
9.	Service member entitled to and elected hearing before Administrative Board. Board convened on:			
10.	Separation case received at:			
11.	Final Disposition (Specify):			
12.	Service member separated from the service.			
13.	Total days required to process case.			

REMARKS

FAMILY CARE PLAN COUNSELING CHECKLIST		
For use of this form, see AR 600-20; the proponent agency is ODCSPER		
PRIVACY ACT STATEMENT		
AUTHORITY:	10 U.S.C. Section 3013, Secretary of the Army: Army Regulation 600-20, Army Command Policy and E.O. 9397 /SSN/.	
PRINCIPAL PURPOSE:	To emphasize to soldiers the significance of their responsibilities to the military service and their family members while performing required military duties.	
ROUTINE USES:	None.	
DISCLOSURE:	Mandatory; Failure to maintain a Family Care Plan could subject the soldier to separation, administrative action, or disciplinary action under the UCMJ.	
Careful planning is required to ensure adequate care of family members while performing required military duties. Pregnant soldiers, single parents, and dual-military couples with family members will be counseled in accordance with AR 600-20. The soldier and the commanding officer (or designated representative) will initial each item on the checklist.		
PART I - ACTIVE ARMY AND RESERVE COMPONENT		
A. I am receiving Family Care Plan counseling by my commander (or designated representative) because my current family status is:		
1. A pregnant soldier who:		
a. Has no spouse; is divorced; widowed, or separated; or is residing without her spouse.		
b. Is married to another service member of AC or RC of any service (Army, Air Force, Navy, Marines, Coast Guard).		
2. A soldier who has no spouse; is divorced, widowed, or separated or is residing apart from his/her spouse; who has joint or full legal and physical custody of one or more family members under age 18 or who has adult family members incapable of self-care regardless of age.		
3. A soldier who is divorced (not remarried) and who has liberal or extended visitation rights by court decree which would allow family members to be solely in the soldier's care in excess of 30 consecutive days.		
4. A soldier whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care or assistance.		
5. A soldier categorized as half of a dual-military couple of the AC or RC of any service (Army, Air Force, Navy, Marines, Coast Guard) who has joint or full legal custody of one or more family members under age 18 or who has adult family members incapable of self-care regardless of age.		
B. I understand that I must arrange for the care of my family member(s) so as to be: (1) Available for duty when and where the needs of the Army dictate; (2) Able to perform my assigned military duties without interference of family responsibilities.		
C. I have been counseled on the importance of:		
1. Selecting qualified, reliable, and stable guardians (temporary and long-term), whom I would have no reservations about entrusting the sole care of my family members, and who are both capable and willing to care for them in my absence.		
2. Providing maximum information to guardians on the full extent of their responsibilities and on procedures for gaining access to military/civilian facilities, services, entitlements and benefits on behalf of my family member(s).		
3. Providing all necessary documentation and financial support so that the designated guardians have everything necessary to act in that capacity.		
D. I understand that designated guardians must be able to assume responsibility for my family member(s) during any periods of absence to include: during duty hours, alerts, field duty, roster duty, TDY, deployments, AT, MUTAs, ADT, or in the event of hospitalization, or other periods of absence for military duty, emergencies or unexpected circumstances.		
E. I understand that I am fully responsible for making all necessary arrangements (housing, educational, legal, transportation, financial, religious, special, etc.) to ensure a smooth, rapid turnover of family member care responsibilities in case the plan is implemented.		
F. I understand that I must initiate legal documentation such as the power of attorney for guardianship (DA Form 5841-R) which will authorize guardian (s) to act in loco parentis; to perform any and all acts as fully to all intents and purposes as I might or could if personally present; to authorize for the care and treatment of my family member (s) regardless of whether on an emergency basis, or for routine care, including all major surgery deemed necessary by a duly licensed staff physician at any military or civilian hospital; to register my child (ren) in school, and to grant or to withhold permissions as my attorney shall deem appropriate.		
G. I understand that designated guardians must submit notarized certificates of acceptance (DA Form 5840-R) agreeing to accept full responsibility for my family member (s); attesting that they have received all necessary and essential documents; and attesting to the fact that they have been provided information on how to gain access to military/civilian facilities, services, entitlements and benefits on behalf of my family member (s).		

PART I - ACTIVE ARMY AND RESERVE COMPONENT <i>(Continued)</i>		SOLDIER	COMMANDER
H. I understand that I must maintain in my Family Care Plan, a DD Form 1172 for each family member to ensure the issue/renewal of Uniformed Services Identification Cards in my absence.			
I. I understand that my Family Care Plan must be updated and recertified by my commander at least annually <i>(more often if required by my commander or mission of my unit)</i> , or in the event of any change in my family status, guardians, legal custody, duty station, etc.			
J. I understand that it is strongly encouraged <i>(though not mandatory)</i> that I ensure that I have an updated will which specifies my desires concerning custody of my family member <i>/s/</i> in the event of my death.			
K. I understand that there are voluntary and involuntary procedures for my separation from military service when my parental responsibilities interfere with the performance of my military duties.			
L. I understand that I will receive no special consideration in duty assignments or duty stations based on my responsibility for my family member/s/ unless enrolled in the Exceptional Family Member Program <i>(EFMP)</i> in accordance with AR 608-75.			
M. I understand that I am fully responsible for all transportation arrangements and costs pertaining to transportation of family member/s/ to guardian or guardian to dependent family member <i>(s)</i> .			
N. If I am assigned OCONUS, I understand that I must identify an escort for my family member <i>/s/</i> in the event that Noncombatant Evacuation Operations <i>(NEO)</i> are put into effect.			
O. If NEO procedures are not initiated at the time I am required to implement my Family Care Plan, I understand that I may request the opportunity to personally escort my family member/s/ back to CONUS if time and the nature of the military situation permits, and my commander approves. I also understand that I may request approval for the designated guardian to reside in my government quarters in my absence. I further understand that the Army will not be responsible for reimbursement of any travel costs incurred by the guardian or escort unless they are otherwise eligible under their own military family member status.			
P. I understand that members of a dual-military couple may submit the same basic Family Care Plan to both commanders, provided that neither military member is identified as the long-term guardian in the plan. The original Family Care Plan will be maintained by the commander of the military member least likely to deploy, with a copy of the DA Form 5305-R forwarded to the spouse's commander. If both military members are equally likely to deploy, the original will be filed with the Army member's commander and a copy with the commander of the other service. If both are Army members and equally likely to deploy, it is inconsequential which commander has the original, so long as both commanders have copies in the unit files.			
Q. I understand that I should provide letters of instruction outlining all special arrangements and instructions the guardians or escort should be aware of <i>(See Figure 5-4, AR 600-20)</i> .			
R. I have received copies of all the required forms and documentation, and know whom to contact in the event I have additional questions or need additional assistance in preparing the Family Care Plan.			
S. I understand that I must submit the complete Family Care Plan with all attendant documents to my commander within the time limits specified by my commander <i>(or designated representative)</i> : <input type="checkbox"/> AA 30 days from date of this counseling session. <input type="checkbox"/> RC 60 days from date of this counseling session.			
T. I understand that it is my responsibility to notify my commander in advance if I am aware of any circumstances beyond my control that might prevent me from meeting the submission deadlines. The commander is authorized to grant a one-time extension of 30 days based on extenuating circumstances.			
PART II - ACTIVE ARMY AND RC SERVING ON ACTIVE DUTY			
Policies, Provisions, Entitlements, Benefits, and Services:			
A. Policies governing deletion or deferment from assignment instructions because of personal reasons. See Chapter 3, AR 614-200 <i>(AA enlisted)</i> or Chapter 6, AR 614-100 <i>(AA officers)</i> or AR 135-91 <i>(RC)</i> .			
B. Policies governing reassignment eligibility. All soldiers are expected to serve CONUS and OCONUS tours <i>(including unaccompanied tours)</i> . The needs of the Service provide the basis for selecting a soldier for reassignment in accordance with AR 614-30, AR 614-200, and AR 614-100.			
C. Entitlements to assignment of government or pay of basic allowances for quarters. See Chapter 10, AR 210-50.			
D. Policies governing entitlement to basic allowance for subsistence, application procedures, and payment. These are contained in Chapter 1, part 3, AR 37-104-3; and Chapter 20, DoD Military Pay and Allowances Entitlements Manual.			
E. Provisions for applying for concurrent travel of family members when alerted for overseas movement Approved joint domicile assignments do not constitute authority to move family members to the overseas command at government expense. Application for family member travel must be made in accordance with AR 55-46.			

PART II - ACTIVE ARMY		SOLDIER	COMMANDER
F. Eligibility requirements for shipment of household goods to the next permanent duty station at government expense. See Chapter 4, AR 55-71 and Part D, Chapter 5, Volume 1, Joint Federal Travel Regulation (JFTR).			
G. The entitlement to government paid transportation of family members to the next permanent duty station. See Chapter 9, AR 37-106 and Part C, JFTR. Transportation allowances for dependent family member movement will be paid for under the following conditions:			
1. If traveling in a PCS status between CONUS permanent duty stations. However, family members are not authorized to move to or from TDY stations at government expense.			
2. If traveling to, from, or between OCONUS duty stations in PCS status provided tour length requirements have been satisfied. See Section III, Chapter 1, AR 55-46 regarding tour length requirements to qualify for family member movement to, from and between overseas areas.			
H. The status of noncommand sponsored family members in the overseas command. See paragraph 1-17, AR 55-46.			
I. Services provided by the Army Community Services (ACS) regarding financial planning. See chapter 9, AR 608-1.			
J. Services available from Personal Assistance Points at major points of embarkation in the CONUS.			
K. Maternity counseling for pregnant single soldiers on the costs of child bearing and raising.			
L. Provisions of CHAMPUS.			
PART III - MILITARY SPOUSE AND SPOUSE'S COMMANDER CERTIFICATION			
A. Military spouse: <i>We have been counseled on our responsibilities to the military service and our family member (s.)</i>			
1. SIGNATURE OF SPOUSE		2. DATE (YYYY/MM/DD)	
3. TYPED OR PRINTED NAME OF SPOUSE		4. SSN	
B. Spouse's commander: <i>I have provided counseling for the military spouse assigned to my unit concerning Family Care Plan requirements.</i>			
1. SIGNATURE OF SPOUSE'S COMMANDER		2. DATE (YYYY/MM/DD)	3a. UNIT ADDRESS
4. TYPED OR PRINTED NAME OF SPOUSE'S COMMANDER		b. E-MAIL ADDRESS	
PART IV - SOLDIER AND COMMANDER CERTIFICATION			
A. Soldier: <i>I have been counseled on my responsibilities to the Army and to my family member(s).</i>			
1. SIGNATURE OF SOLDIER		2. DATE (YYYY/MM/DD)	
3. TYPED OR PRINTED NAME OF SOLDIER		4. SSN	
B. Soldier's commander: <i>I have provided counseling to the soldier on his/her responsibilities to the military service and to his/her family member(s).</i>			
1. SIGNATURE OF SOLDIER'S COMMANDER		2. DATE (YYYY/MM/DD)	3a. UNITED ADDRESS
4. TYPED OR PRINTED NAME OF SOLDIER'S COMMANDER		b. E-MAIL ADDRESS	

FAMILY CARE PLAN <small>For use of this form, see AR 600-20; the proponent agency is DCSPER</small>																
<div style="text-align: center;">PRIVACY ACT STATEMENT</div> <p>AUTHORITY: 10 U.S.C. Section 3013, Secretary of the Army; Army Regulation 600-20, Army Command Policy and E.O. 9397 (SSA)</p> <p>PRINCIPAL PURPOSE: To emphasize to soldiers the significance of their responsibilities to the military service and their family members while performing required military duties.</p> <p>ROUTINE USES: None</p> <p>DISCLOSURE: Mandatory; Failure to maintain a Family Care Plan could subject the soldier to separation, administrative action, or disciplinary action under the UCMJ.</p>																
PART I - SOLDIER'S FAMILY CARE																
<p>A. I was counseled on _____ (date) _____, and fully understand the policy on family member care responsibilities. I understand that I must arrange for care of my family members, remain available for deployment and training, and report for duty as required without interference of responsibility for family members. I assume responsibility for all obligations for such things as child care, food, adequate housing, transportation, and emergency needs of my family members regardless of age.</p>	INITIALS															
<p>B. I have made and will maintain arrangements for the care of my family members during all the following:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">1. Duty</td> <td style="width: 33%;">6. Temporary Duty</td> <td style="width: 33%;">11. Deployment</td> </tr> <tr> <td>2. Exercises/field duty</td> <td>7. Unit Training Assembly</td> <td>12. Other Military Duty</td> </tr> <tr> <td>3. Permanent Change of Station</td> <td>8. Active Duty Training</td> <td>13. Emergencies</td> </tr> <tr> <td>4. Alerts</td> <td>9. Unaccompanied Tours</td> <td>14. Leave/non-duty Time</td> </tr> <tr> <td>5. Annual Training</td> <td>10. Mobilization</td> <td></td> </tr> </table>		1. Duty	6. Temporary Duty	11. Deployment	2. Exercises/field duty	7. Unit Training Assembly	12. Other Military Duty	3. Permanent Change of Station	8. Active Duty Training	13. Emergencies	4. Alerts	9. Unaccompanied Tours	14. Leave/non-duty Time	5. Annual Training	10. Mobilization	
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4. Alerts	9. Unaccompanied Tours	14. Leave/non-duty Time														
5. Annual Training	10. Mobilization															
<p>C. I understand the importance of ensuring the proper care for my family members, and ensuring my own readiness and deployability as well. I further understand that in light of the critical nature of both these requirements:</p>																
<p>1. Failure to make and maintain adequate family member care arrangements in accordance with the Army's policy is grounds for disciplinary action or separation.</p>																
<p>2. Nonavailability for worldwide assignment and/or unit deployment may lead to my separation from the Army.</p>																
<p>3. If arrangements for the care of my family members fail to work, I am not automatically excused from prescribed duties, unit deployment, or reassignment.</p>																
<p>4. If I fail to maintain a Family Care Plan or provide false information regarding my plan, I am subject to separation, administrative action, or disciplinary action under UCMJ.</p>																
<p>5. I must maintain an up-to-date Family Care Plan and revise my Plan when circumstances change. I understand that Family Care Plans may be tested at the discretion of the commander.</p>																
<p>6. I will receive no special consideration in duty assignments or duty stations based on my responsibilities for my family members unless enrolled in the Exceptional Family Member Program (EFMP) in accordance with AR 600-75.</p>																
<p>D. I have made all necessary arrangements (legal, educational, financial, religious, special, etc.) to ensure a smooth, rapid turnover of family member care responsibilities in case this plan is implemented.</p>																
<p>E. I have arranged for necessary travel required to transfer my family members to a designated person. If my principal designee is not in the local area, I have arranged with a nonmilitary person in the local area to assume temporary guardianship of my family members until they are transferred to my principal care designee, or that designee arrives to assume responsibility for their care.</p>																
<p>F. A copy of DA Form 5841-R (Power of Attorney) or equivalent documents and a copy of DA Form 5840-R (Certificate of Acceptance as Guardian) for each escort or guardian whether temporary or long-term is attached to this plan.</p>																
<p>G. The following additional required documents are completed, included in this plan, and will be put into effect as part of my Family Care Plan.</p>																
<p>1. DD Form 1172 (Application for Uniformed Services Identification Card) for each family member whether they have a currently valid ID card or not.</p>																
<p>2. DD Form 2558 (Authorization to Start, Stop or Change an Allotment for Active Duty or Retired Personnel) or other proof of financial support for expenses incurred by guardian and family members.</p>																
<p>3. Copies of Letters of Instruction (which have been forwarded to designated escorts or guardians along with powers of attorney and other pertinent documents), outlining all special instructions concerning the care of my family members have also been included in my Family Care Plan.</p>																
<p>H. I have thoroughly briefed escorts and guardians on the full extent of their responsibilities and on procedures for gaining access to military/civilian facilities, services, entitlements and benefits on behalf of my family members.</p>																
<p>I. I am confident that my Family Care Plan is workable, and to the best of my knowledge, the guardian _____ (s) and escort _____ (s) I have designated will be both willing and able to carry out the responsibilities of caring for my family members.</p>																
PART II - DESIGNATION OF GUARDIANS/ESCORTS																
<p>A. I (We) have designated the following temporary guardian to care for my (our) family member (s) until responsibility is transferred to escort or principal (long-term) guardian.</p>																
<p>1. TYPED OR PRINTED NAME</p>	<p>2a. COMPLETE ADDRESS (Including Street, Apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)</p>															
<p>3. TELEPHONE NUMBER (Include Area Code)</p>	<p>2b. E-MAIL ADDRESS</p>															

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B. I (We) have designated the following individual(s) as principal long-term guardian(s) for my(our) family member(s). The designated guardian(s) reside in the continental United States or United States territories.

1. TYPED OR PRINTED NAME	2a. COMPLETE ADDRESS (Including Street, Apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)
3. TELEPHONE NUMBER (Include Area Code)	2b. E-MAIL ADDRESS

C. I (We) have designated the following individual(s) as escort for my(our) family member(s) if evacuation from OCONUS becomes necessary (applies only to persons assigned OCONUS):

1. TYPED OR PRINTED NAME	2a. COMPLETE ADDRESS (Including Street, Apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)
3. TELEPHONE NUMBER (Include Area Code)	2b. E-MAIL ADDRESS

PART III - DUAL MILITARY COUPLES ONLY MILITARY SPOUSE AND COMMANDER CERTIFICATION

A. Spouse: We have made arrangements and will maintain arrangements for the care of our family member(s) in all circumstances required by our commitment to the military and our family.

1. SIGNATURE OF SPOUSE						2. DATE (YYYY/MM/DD)					
3. TYPED OR PRINTED NAME OF SPOUSE						4. SSN					
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE	

B. Commander: I have counseled the military spouse assigned to my unit, reviewed the Family Care Plan, and I am satisfied that the members have made adequate family care arrangements.

1. SIGNATURE OF COMMANDER				2. DATE		3. UNIT ADDRESS				
4. TYPED OR PRINTED NAME OF COMMANDER										
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE

PART IV - SOLDIER AND COMMANDER CERTIFICATION

A. Soldier: I (We) have made arrangements and will maintain arrangements for the care of my(our) family member(s) in all circumstances required by my(our) commitment to the military and my(our) family.

1. SIGNATURE OF SOLDIER						2. DATE (YYYY/MM/DD)					
3. TYPED OR PRINTED NAME OF SOLDIER						4. SSN					
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE	

B. Commander: I have reviewed the Family Care Plan, and I am satisfied that the members have made adequate family care arrangements that will allow for a full range of military duties and for worldwide availability as defined here.

1. SIGNATURE OF COMMANDER				2. DATE		3. UNIT ADDRESS				
4. TYPED OR PRINTED NAME OF COMMANDER										
5. Recertification	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE

COMMAND REFERRAL TO BEHAVIORAL MEDICINE CLINIC

For use of this form, see USAARMC Reg 40-13

THIS FORM HAS BEEN DESIGNED FOR USE BY COMMANDERS TO REFER SOLDIERS TO BMC FOR MENTAL HEALTH EVALUATIONS AND TO ASSIST BMC IN PROVIDING PROMPT RESPONSE TO THE UNIT COMMANDER. ALL ENTRIES MUST BE COMPLETE AND LEGIBLE. REF: AR 635-200, CHAP 1, SEC VII, PARA 1-34, B-F.

I. DATA OF SERVICE MEMBER BEING REFERRED

NAME	RANK	SSN
UNIT		UNIT PHONE NUMBER

II. REASON FOR REFERRAL [Check appropriate box(es)]

<input type="checkbox"/>	1. MENTAL STATUS EVALUATION (MSE) FOR SEPARATION UNDER PROVISION OF AR 635-200, CHAPTER #:
<input type="checkbox"/>	2. MENTAL STATUS EVALUATION (MSE) FOR: _____ (State purpose)
<input type="checkbox"/>	3. SECURITY CLEARANCE
<input type="checkbox"/>	4. PSYCHIATRIC EVALUATION FOR COUNSELING AND/OR OTHER PSYCHIATRIC CARE DEEMED APPROPRIATE.

III. IDENTIFIED PROBLEMS INCLUDE: (Describe behaviors and/or verbalizations that indicate the need for this mental health evaluation - continue description on separate paper if needed.)**IV. COLLATERAL AGENCY INVOLVEMENT** (Check appropriate boxes, if used.)

<input type="checkbox"/> CHAPLAIN	<input type="checkbox"/> ACS
<input type="checkbox"/> AMERICAN RED CROSS	<input type="checkbox"/> ADAPCP
<input type="checkbox"/> AER	<input type="checkbox"/> SOCIAL WORK SERVICES
<input type="checkbox"/> FINANCE	<input type="checkbox"/> FAMILY ADVOCACY

V. UNIT'S EXPECTATIONS REGARDING THIS EVALUATION:

VI. DOCUMENTS REQUIRED AT TIME OF APPOINTMENT:

- A. Health Records.
- B. FK Form 4388 completed and signed by Unit Commander and Soldier being referred.
- C. Supporting documentation describing reason for this mental health evaluation if applicable (Security Clearances, refer to Unit S-2 and submit under appropriate cover).

VII. REQUIRED PROCEDURES PRIOR TO EVALUATION (N/A for emergencies)

1. EITHER:
 - A. I have consulted with _____, a member of the Behavioral Medicine Staff in making this referral;
 - B. or, prior consultation with Behavioral Medicine Staff was not possible due to: _____
2. THE SOLDIER HAS BEEN PROVIDED AN OPPORTUNITY TO SEEK COUNSEL REGARDING THIS REFERRAL THROUGH JAG AND/OR THE IG.
3. THE SOLDIER HAS BEEN ADVISED THAT THE FOLLOWING PROVISIONS APPLY:
 - A. Upon the request of the soldier, an attorney who is a member of the Armed Forces or employed by the DOD and who is designated to provide advice shall advise the member of the ways in which the soldier may seek redress.
 - B. If a soldier submits an IG allegation that the soldier was referred for a mental health evaluation in violation of DODD 6490-1 or implementing directives, the IG DOD shall conduct or oversee an investigation of the allegation.
 - C. The soldier shall have the right to also be evaluated by a mental health professional of the soldier's own choosing if reasonably available. Any such evaluation, including an evaluation by a mental health professional who is not an employee of the DOD, shall be conducted within a reasonable time after the soldier is referred for this evaluation and shall be at the soldier's own expense.
 - D. No person may restrict the soldier in communicating with the IG, an attorney, member of Congress, or others about this referral for a mental health evaluation. This provision does not apply to a communication that is unlawful.
 - E. In situations other than emergencies, the soldier shall have at least 2 business days before this scheduled mental health evaluation to meet with an attorney, IG, chaplain, or other appropriate party. If the commanding officer believes that the condition of the member requires that a mental health evaluation occurs sooner, the commanding officer will state the reasons in writing as part of this request for consultation.
 - F. If the soldier is in circumstances related to the soldier's military duties which make compliance with any of these procedures above impractical, the commanding officer seeking the referral shall prepare a memorandum stating the reasons for the inability to comply.

VIII. INDIVIDUALS AVAILABLE TO THE SOLDIER TO ASSIST IN QUESTIONING THIS REFERRAL ARE:

- A. JAG: _____
(Name and telephone number)
- B. IG: _____
(Name and telephone number)

IX. THE SCHEDULED APPOINTMENT IS:

(Date and time)

UNIT COMMANDER'S SIGNATURE BLOCK

SIGNATURE AND DATE

SOLDIER'S SIGNATURE AND DATE ACKNOWLEDGING RECEIPT OF THIS NOTICE

PREGNANCY COUNSELING CHECKLIST

For use of this form, see Fort Knox Pam 635-200

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, U.S.C., Section 3013.

PRINCIPAL PURPOSE: To inform you of the options, entitlements, and responsibilities in connection with your pregnancy.

ROUTINE USES: To assist you in planning as to how to meet your responsibilities to the child and to the military and to determine if there is anything that I or the Army can do to assist you in meeting those responsibilities.

DISCLOSURE: Disclosure of your SSN and other personal information is voluntary. You are not required to provide personal information to me, but Army regulations do require that you complete a Statement of Counseling. However, if you choose not to provide personal information to me, I may not be able to effectively assist you. No use of the information will be made outside DoD. A copy of the Statement of Counseling will be maintained in your military personnel files until this action is completed, at which time it will be destroyed.

For information on your entitlement to:	The basic facts are:	For more information, see:
1. Retention or separation	You may choose to remain in Service, or separate.	AR 635-200, paragraph 8-9.
2. Maternity care	<p>If you remain on active duty, you will receive treatment in a military facility, or in a civilian facility if there is no military maternity care available within 30 miles of your location.</p> <p>If you separate, you are authorized treatment only in a military facility which has maternity care. You are NOT authorized care in a civilian facility at Government expense.</p>	<p>AR 40-3, paragraph 2-35, for care while on active duty;</p> <p>AR 40-3, paragraph 4-44, for care after separation.</p>
3. Leave	You may request ordinary, advance, and excess leave in order to return home, or other appropriate place, for the birth of your child or to receive other maternity care. Such leave usually terminates with onset of labor. Nonchargeable convalescent leave for postpartum care is limited to the amount of time essential to meet your medical needs.	AR 630-5, chapter 9, section II.
4. Maternity clothing and uniforms.	Military maternity uniforms will be provided to soldiers.	AR 670-1, chapter 24, section IV, for maternity uniforms.
5. BAQ and Government quarters.	Availability depends on the status of quarters at your installation.	Post housing office.
6. Assignments	You will not normally receive PCS orders directing movement overseas during your pregnancy. However, you will be considered available for unrestricted world-wide assignment upon completion of post-partum care. If overseas, you remain assigned overseas.	AR 614-30, paragraphs 2-5 and 2-8.

For information on your entitlement to:	The basic facts are:	For more information, see:
7. Separation for unsatisfactory performance, misconduct, or parenthood.	If your performance or conduct warrant separation for unsatisfactory performance or misconduct, or if parenthood interferes with your duty performance, you may be separated involuntarily even though you are pregnant.	AR 635-200, paragraph 5-8 and 13-2, and chapters 11 and 14.
8. Family care counseling.	You must have an approved Family Care plan on file stating actions to be taken in the event you are assigned to an area where dependents are not authorized or you are absent from your home on military duty. Failure to develop an approved care plan will result in a bar to reenlistment.	DA Pam 600-8, Procedure 9-6. AR 601-280, chapter 6.

Should you desire assistance in gathering additional information on the above subjects, I will assist you in locating the appropriate information. Further, if you desire, I will assist you in contacting the American Red Cross or other appropriate agencies.

PREGNANCY STATEMENT OF COUNSELING

I affirm that I have been counseled by _____ (Grade) _____ (Name) this date on all items on the attached counseling checklist and I understand my entitlements and responsibilities. I understand that if I elect separation, I may receive maternity care at Department of Defense expense, on a space-available basis for up to 6 weeks postpartum for the birth of my child only in a military medical treatment facility which has maternity care capability and that I may elect a separation date no later than 30 days prior to expected date of delivery, or latest date by physician will authorize me travel, whichever is earlier. Further, I understand that many military medical treatment facilities cannot provide maternity care and that unforeseen circumstances or medical emergency could force me to use civilian medical treatment facilities following separation from active duty. Should this happen, I fully understand that UNDER NO CIRCUMSTANCES can TRICARE, any military department, or the Veterans Administration reimburse my civilian maternity care expenses. Such costs will be a matter of my personal responsibility. Further, I understand that the separation authority, in conjunction with my military physician and the needs of the Army, will determine my separation date. I understand that if I should remain on active duty, I will be expected to fulfill the terms of my enlistment contract. If I elect to remain on active duty, I understand that I must remain available for unrestricted service on a worldwide basis when directed and that I will be afforded no special consideration in duty assignments or duty stations based on my status as a parent.

(Date)

(Signature)

OFFICE SYMBOL (635-200a)	DATE
TO: <i>(Soldier concerned)</i>	
FROM: <i>(Commander, unit)</i>	
SUBJECT: Pregnancy Statement of Counseling	
Request your election of appropriate option indicated below and return within _____ days.	
<div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div>	
TO: <i>(Commander, unit)</i>	
FROM: <i>(Soldier concerned)</i>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> During the counseling session there was no coercion on the part of the counselor influencing my decision. </div> <div style="width: 50%; text-align: right;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> I elect separation for reason of pregnancy per AR 635-200, chapter 8 _____. I desire to remain on active duty until _____ <i>(date)</i>. (In no case later than 30 days prior to expected date of delivery.) </div> <div style="width: 50%; text-align: right;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> I elect to remain on active duty to fulfill the terms of my enlistment contract. </div> <div style="width: 50%; text-align: right;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> </div>	
DISTRIBUTION: 1 Copy Local Unit File 1 Copy Soldier 1 Copy File	

DEPARTMENT OF THE ARMY

Fort Knox, Kentucky 40121

(635-200a)

MEMORANDUM FOR

SUBJECT: Request for Discharge in Lieu of Trial by Courts-Martial

1. I, _____, SSN: _____, hereby voluntarily request discharge in lieu of trial by courts-martial under AR 635-200, Chapter 10. I understand that I may request discharge in lieu of trial by courts-martial because of the following charge(s) which (has) (have) been preferred against me under the Uniform Code of Military Justice, which authorize(s) the imposition of a bad conduct or dishonorable discharge:

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize(s) the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation (in addition, I have consulted with (military counsel of my own choice who was reasonably available) (civilian counsel retained at no expense to the Government)). (Although I have received a lawful order to see consulting counsel, I persist willfully in my refusal to see counsel.) I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offense(s) with which I am charged, any relevant lesser included offense(s) thereto, and the facts that must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if I am found guilty. (I have further been advised of the legal effect and significance of my suspended discharge.) Although I have been furnished legal advice, this decision is my own. (I understand that, pursuant to a delegation of authority per paragraph 1-21I, my request for discharge in lieu of trial by courts-martial may be approved by the commander exercising special court-martial convening authority, a lower level than the general court-martial convening authority or higher authority, but the authority to disapprove a request for discharge in lieu of trial by courts-martial may not be delegated.)

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)**AUTHORITY:** 10 U.S.C. 1169.**PURPOSE:** To be used by the commander exercising general court-martial jurisdiction over you to determine approval or disapproval of your request.**ROUTINE USES:** Request, with appropriate documentation including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate federal agencies and state and local governmental activities where use of the information is compatible with the purpose for which the information was collected.**DISCLOSURE:** Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions which are other than honorable and furnished an Under Other Than Honorable Discharge certificate. I have been advised and understand the possible effects of an Other Than Honorable Discharge and that as a result of the issuance of such discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veteran's Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is no automatic upgrading or automatic review of a less than honorable discharge by any Government agency or the Army Board for the Correction of Military Records. I understand that if I desire a review of my discharge, I must apply to either the Army Discharge Review Board or the Army Board for Correction of Military Records, and that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with the consent of the commander exercising general court-martial authority, or without that commander's consent, in the event that my trial on these charges results in acquittal or a sentence which does not include a punitive discharge even though such a discharge could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though absent without authority.

6. I have been advised that I may submit any statements I desire in my own behalf, which will accompany this request for discharge and be considered by the discharge authority. Statements in my own behalf are (not) submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge and all enclosures submitted herewith.

Signature of Respondent

Printed name, rank, and social security number

Having been advised by me of (the basis for his or her contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice) (the legal significance of his or her suspended sentence to a bad conduct or dishonorable discharge); of the possible effects of a discharge Under Other Than Honorable conditions if this request is approved; and of the procedures and rights available to him or her, _____ personally made the choice indicated in the foregoing request for discharge in lieu of trial by courts-martial.

Signature of Counsel for Consultation

Printed Name and Grade of Counsel

ROUTINE

R 151717Z JAN 97

FA DA WASHINGTON DC//DAPE-MPE//

TO ALARACT

UNCLAS ALARACT 011/97

SUBJECT: ATTRITION OF FIRST-TERM ENLISTED SOLDIERS - - SUPPLEMENTAL GUIDANCE

A. ALARACT MESSAGE 119/96, HQDA (DAPE-MPE), 121752Z DEC 96, SUBJECT: ATTRITION OF FIRST-TERM ENLISTED SOLDIERS

B. AR 635-200

1. THIS MESSAGE PROVIDES FURTHER GUIDANCE TO SUPPLEMENT EXCEPTIONS TO PUBLISHED RETENTION/SEPARATION POLICIES ANNOUNCED BY REFERENCE

A. THE INTENT CONTINUES TO BE REINFORCEMENT OF CSA'S 6 DECEMBER 1996 MEMORANDUM TO THE CHAIN OF COMMAND ON REDUCING ATTRITION OF SOLDIERS SERVING THEIR INITIAL ENLISTMENTS.

2. THE PREVIOUS EXCEPTION TO POLICY WHICH ELEVATED SEPARATION AUTHORITY FROM COMMANDERS OF UNITS AUTHORIZED THE RANK OF LIEUTENANT COLONEL (LTC) TO THE SPECIAL COURT-MARTIAL CONVENING AUTHORITY (SPCMCA) IS RESCINDED. LTC COMMANDERS MAY CONTINUE TO ACT AS SEPARATION AUTHORITY IN PROCEEDINGS CONDUCTED UNDER AR 635-200, CHAPTER 11 (ENTRY LEVEL PERFORMANCE AND CONDUCT) AND CHAPTER 13 (UNSATISFACTORY PERFORMANCE), UNLESS SUCH AUTHORITY IS WITHHELD BY THE SPCMCA OR HIGHER COMMANDER.

3. RESCISSION OF THE PROVISION FOR WAIVER OF REHABILITATIVE TRANSFER REMAINS IN FORCE FOR MOST CHAPTER 11 AND 13 CASES, BUT MUST BE TEMPERED BY COMMON SENSE AND SOUND JUDGMENT. THE INTENT IS TO GIVE A FRESH START TO SOLDIERS WHO FALTER BUT HAVE THE POTENTIAL TO SUCCEED. HOWEVER, THERE ARE CIRCUMSTANCES IN WHICH A REHABILITATIVE TRANSFER WILL SERVE NO USEFUL PURPOSE, AND THE SEPARATION AUTHORITY MAY WAIVE THE TRANSFER. SUCH CIRCUMSTANCES INCLUDE TWO CONSECUTIVE FAILURES OF THE ARMY PHYSICAL FITNESS TEST; PREGNANCY WHILE IN ENTRY LEVEL STATUS; HIGHLY DISRUPTIVE OR POTENTIALLY SUICIDAL SOLDIERS, PARTICULARLY THOSE IN RECEPTION BATTALIONS; AND SOLDIERS ASSIGNED TO SMALL INSTALLATIONS OR AT REMOTE LOCATIONS.

4. THE PROVISION LIMITING VOLUNTARY SEPARATION ON GROUNDS OF INABILITY TO OVERCOME A FIELD COMMANDER'S BAR TO REENLISTMENT TO SOLDIERS SERVING SECOND OR SUBSEQUENT ENLISTMENTS REMAINS AS SPECIFIED IN REFERENCE A.

5. EXPIRATION DATE OF THIS MESSAGE CANNOT BE DETERMINED. BT
ROUTINE

R 071620Z APR 97

FM DA WASHINGTON DC//DAPE-MPE//

TO ALARACT

UNCLAS ALARACT 035/97

SUBJECT: INDEFINATE SUSPENSION OF ENLISTED SEPARATION PROGRAM

1. IN ORDER TO REDUCE ATTRITION, CONSERVE SOLDIER RESOURCES, AND MAINTAIN ARMY END STRENGTH, THE PROVISION FOR REGULAR ARMY SOLDIERS WITH A LOCAL BAR TO REENLISTMENT TO REQUEST VOLUNTARY SEPARATION ON GROUNDS OF PERCEIVED INABILITY TO OVERCOME THE BAR IS SUSPENDED INDEFINATELY. THIS APPLIES TO ALL SOLDIERS, WHETHER SERVING INITIAL OR SUBSEQUENT ENLISTMENTS.
2. PERTINENT REGULATORY PROVISIONS ARE 601-280, PARAGRAPH 8-5F, AND AR 635-200, PARAGRAPH 16-5B. LOCALLY BARRED SOLDIERS APPROVED FOR SEPARATION UNDER THE PROVISION OF AR 635-200, PARAGRAPH 16-5B, PRIOR TO RECEIPT OF THIS MESSAGE MAY SEPARATE AS SCHEDULED. HOWEVER, NO NEW REQUESTS FOR SEPARATION WILL BE APPROVED.
3. EXPIRATION DATE OF THIS MESSAGE CANNOT BE DETERMINED. BT

(635-200a)

(Office symbol)

(Date)

MEMORANDUM FOR

SUBJECT: Separation Action UP Entry Level Performance and Conduct

1. Under the provisions of Chapter 11, AR 635-200 (Entry Level Status Performance and Conduct), I am initiating action to (release you from active duty for transfer to the Individual Ready Reserve) (discharge you from the United States Army) (discharge you from the Reserve of the Army and return you to your Army National Guard unit).
2. The specific reasons for my proposed action are:
3. The final decision in your case rests with the separation authority. If approved, you will receive an entry level separation with uncharacterized service. Furthermore, you will not be permitted to reenlist in the United States Army within 2 years from the date of your separation.
4. Under the provisions of paragraph 2-2, AR 635-200, you have the following rights:
 - a. You have the right to consult with consulting counsel. You may also consult with civilian counsel at your own expense.
 - b. You have the right to submit statements in your own behalf.
 - c. You have the right to obtain copies of documents that will be sent to the separation authority supporting the proposed separation.
 - d. You have the right to request a separation physical if you feel that your physical status has changed since your last examination.
 - e. You may also waive the above rights in writing. Failure to respond within 7 days shall constitute a waiver of the above rights. If you elect to waive your rights, you must do so in writing, witnessed by your consulting counsel.

(635-200a)
SUBJECT: Separation Action UP Entry Level Performance and Conduct

f. An extension may be granted to your time to consult with counsel upon a timely showing of good cause by yourself.

5. Complete the attached acknowledgment and return it NLT _____

SIGNATURE OF COMMANDER

NAME (Typed or Printed)

GRADE
Commanding

BRANCH

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: 10 U.S.C. 1169, Regular enlisted members; limitations on discharge, 10 U.S.C. 3013, Secretary of the Army; 42 U.S.C. 10606 et seq.; DoD Directive 1030.1, Victim and Witness Assistance; and E.O. 9397 (SSN).

PURPOSE: To obtain acknowledgment from the member of notification of proposed separation before completion of 180 days active duty.

ROUTINE USES: Used by personnel processing activities to process members for separation under this program whose commanders have recommended separation for lack of motivation, discipline, ability or aptitude to become a productive soldier. This personal information may be used by other appropriate Federal agencies and State and local governmental authorities where use of the information by them is compatible with the purposes for which the information was collected. Member's acknowledgment will be filed in the OMPF.

(Office symbol)

(635-200a)

(Date)

MEMORANDUM FOR Commander, _____

SUBJECT: Separation Action UP Entry Level Performance and Conduct

1. I hereby acknowledge notification of my proposed separation from the United States Army. I understand that, if approved, I will receive an entry level separation with uncharacterized service. Further, I understand that I will not be permitted to apply for reenlistment in the United States within 2 years of my separation.

2. Under the provisions of para 2-2, AR 635-200, I have made the following elections:

- a. I (do) (do not) desire to consult with consulting counsel.
- b. I (do) (do not) desire to make statements in my own behalf.
- c. I (have) (have not) obtained copies of documents to be sent to the separation authority supporting the proposed separation.
- d. I (waive) (do not waive) the above in writing.

Signature of Soldier

Typed name, grade, SSN

Having been advised by me of the reasons for separation and the rights available to him/her, _____ personally made the choices indicated on the acknowledgment of notification of proposed separation under the provisions of Chapter 11, AR 635-200.

Signature of Counsel

NAME (Typed or Printed)

GRADE

BRANCH

(Office symbol) (635-200a)

(Date)

MEMORANDUM FOR _____

SUBJECT: Separation Action UP Entry Level Performance and Conduct

1. Attention is invited to the following.
2. My recommendation is: That this soldier be (released from active duty and transferred to the Individual Ready Reserve) (discharged from the United States Army) (discharged from the Reserve of the Army and returned to his/her Army National Guard unit) under the provisions of Chapter 11, AR 635-200.

- SAMPLE
3. DA Forms 4856 are enclosed for your review.

Encls

- 1.
- 2.

SIGNATURE OF COMMANDER

NAME (Typed or Printed)

GRADE
Commanding

BRANCH

WEIGHT CONTROL PROGRAM

For use of this form, see AR 600-9

Section I

OFFICE SYMBOL

(600-9a)

DATE

TO (Soldier's name, SSN, and organization)

FROM

CDR,

1. You have been determined to exceed the body fat standard and a goal of 3-8 pounds of weight loss per month is considered to be satisfactory progress. Failure to make satisfactory progress or achieve the body fat standards could result in separation from the service.

2. You have been flagged under the provisions of AR 600-8-2 and entered in a Weight Control Program.

Commander

Section II

OFFICE SYMBOL

(600-9a)

DATE

TO

CDR,

FROM (Soldier's name and organization)

I understand my responsibilities to achieve the body fat standards and to have my weight recorded periodically.

(Signature of soldier)

Section III

OFFICE SYMBOL

(600-9a)

DATE

TO

CDR, MEDDAC

FROM (Soldier's commander)

CDR,

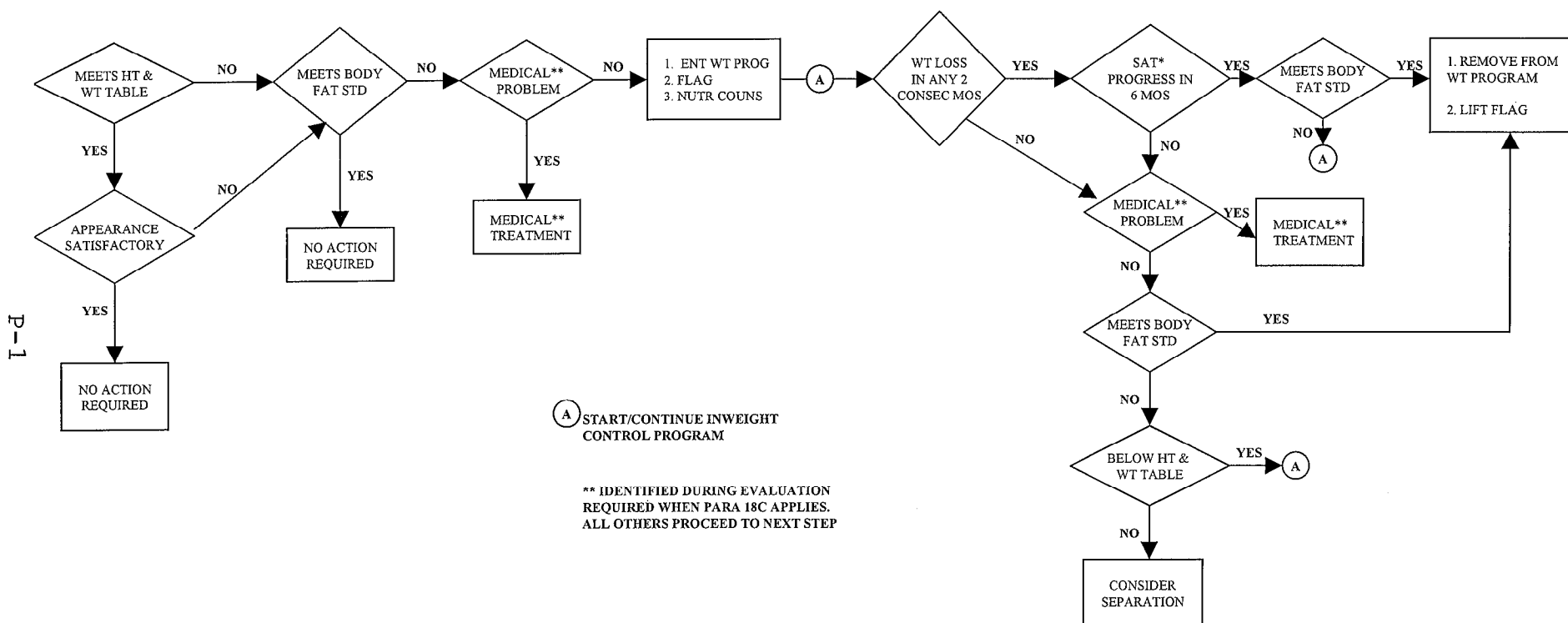
1. _____ exceeds the screening table weight by _____ pounds and body fat standards by _____ percent.

2. Nutrition education and weight reduction counseling are requested in accordance with AR 600-9 (para 20b(1)).

Commander

Section IV	
OFFICE SYMBOL MCXM- (600-9a)	DATE
TO (Soldier's commander) CDR,	
FROM CDR, MEDDAC	
<p>1. _____ has been provided nutrition and weight reduction counseling in accordance with AR 600-9.</p> <p>2. Follow-up counseling should be provided at unit level using information in Appendix C of AR 600-9 and the assistance of master fitness trainers, if available.</p>	
_____ Commander	
Section V	
OFFICE SYMBOL (600-9a)	DATE
TO CDR, USAARMC, ATTN: ATZK-AGS	
FROM (Soldier's commander) CDR,	
<p>1. The soldier has been determined to be in compliance with the provisions of AR 600-9 and is therefore removed from the Weight Control Program effective this date.</p> <p>2. The soldier's current weight is _____ pounds. Screening table weight ceiling is _____ pounds for present age category. Body fat content is _____ percent, which is within the AR 600-9 standards.</p> <p>3. This form will be retained in the soldier's MPRJ for 36 months from this date.</p>	
_____ Commander	

WEIGHT CONTROL ACTIONS FLOW CHART



* SATISFACTORY PROGRESS IS:
LOSS OF 3 TO 8 POUNDS PER MONTH

(Format for Intermediate Commander's Recommendation)

ATSB-BAB (635-200a)

DATE

MEMORANDUM FOR Commander, 1st Armor Training Brigade, US Army Armor Center and Fort Knox, Fort Knox, Kentucky 40121-5260

SUBJECT: Recommendation for Separation Under the provisions of AR 635-200, Chapter __, Section __, Paragraph __, [title of chapter]

1. Recommend approval.
2. Recommend (Last name, First name, MI, rank, social security number) be separated from the United States Army.
3. Recommend (rank, Last name) be discharged under (characterization of service).

3 Encls
nc

JOE R. HARDCORE
LTC, AR
Commanding

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 22-100; the proponent agency is TRADOC

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)	Rank/Grade	Social Security No.	Date of Counseling
Organization		Name and Title of Counselor	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:**OTHER INSTRUCTIONS**

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action: *(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)*

Session Closing: *(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)*

Individual counseled: ☐ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled:

Date:

Leader Responsibilities: *(Leader's responsibilities in implementing the plan of action.)*

Signature of Counselor:

Date:

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: *(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)*

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

MEDICAL EXAMINATION FOR SEPARATION STATEMENT OF OPTION

Proponent of this form is ATZK-AG

I understand that I am not required to undergo a medical examination for separation from active duty. If I elect not to undergo a separation examination, I also understand that my medical records will be reviewed by a physician at the appropriate medical treatment facility; and if the review indicates that an examination should be accomplished, I will be scheduled for examination based on the results of the review.

I (do) I (do not) desire a separation medical examination.

(Date)

(Name, Rank, SSN)

(Unit of Assignment)

NOTE: Medical examinations will be scheduled in time to assure completion of the examination as follows:

- a. Voluntary: Not earlier than 4 months nor later than 1 month prior to anticipated date of separation.
- b. Required: Not later than 72 hours prior to anticipated date of separation.

1. Medical records

Name, Rank, SSN

have been

reviewed under provisions of AR 40-501. Determination has been made that medical examination for separation

(is) (is not) required.

2. Medical examination has been

GUIDANCE FOR BOARD RECORDERS

For use of this form, see Fort Knox Pam 635-200

General Checklist:

1. Read AR 15-6 and applicable portions of AR 635-200.
2. Keep a written record of everything that happens concerning the case (phone conversations, letters, etc.). This will keep you from duplicating effort and having others maintain "you never told me that."
3. Inform the president of the board of the pending action. You have to work with the president quite closely to keep him/her informed of what is happening.
4. Set up the board date, uniform, and time of board with the board president. As soon as you know the date and time, reserve the room of your choice. All of this information should be included in the Memorandum of Notification. NOTE: Report the date of the board to as soon as it is established.
5. Arrange to have a legal advisor from the SJA brief the president and yourself on administrative proceedings. It is recommended that this briefing only be conducted after thoroughly reading the elimination action; soldier's 201 file; AR 15-6, Chapters 3 and 5; and AR 635-200, Chapter 2, Appendix B, and other relevant portions. Only the recorder and respondent's counsel should be provided a copy of the case file before the hearing. Board members and president should determine the case based on the evidence presented at the hearing. Earlier access to the case file is improper.
6. Deliver the defense copy of the elimination action to the defense counsel.
7. Check through the elimination action to determine who you may desire to call as witnesses and call to see if they will be available. The names of the witnesses must be in the Memorandum of Notification.
8. Prepare the Memorandum of Notification and hand deliver it to the respondent. This must be done at least 15 calendar days before the board. Make him/her sign for the memorandum on two copies, then give him/her one and keep one for yourself. Be sure you hand deliver the memorandum and have him/her sign for it; the board cannot be conducted if the respondent can maintain to everyone that he/she never received the memorandum. Make copies of the memorandum (after it has been signed) and give one to the defense counsel.
9. Notify every member of the board, including your clerical support, of the time, date, and place of the board, and uniform to be worn. Do this as early as possible to preclude board member calendar conflicts.
10. Talk face to face with your witnesses. This will give you a good idea whether or not you really want them to appear before the board.
11. Prepare an outline of your case for use on the day of the board.

12. Prepare a copy of all relevant documents for the president's use. Include the following:

- a. Agenda.
- b. Forms of Verbatim Findings and Recommendations.
- c. List of all witnesses.
- d. AR 15-6.
- e. AR 635-200.

13. The day before the board:

- a. Check the desired room (neatness, equipment, etc.)
- b. Remind all members again of time, place, and uniform.
- c. Set up pads and pencils for voting members and the president, as well as secret ballot slips for their voting during deliberation.
- d. Remind all witnesses of time, place, and uniform of the board. Have everyone appear 15 minutes early.

14. During the board. Conduct the proceedings generally as outlined in the sample at pages 74-76, AR 635-200. Ensure that all exhibits are offered to the board, admitted by the president, and numbered (AR 15-6, para 3-1).

15. After the board:

- a. Fill out DA Form 1574, Report of Proceedings by Investigating Officer/Board Members, IAW AR 15-6, ensuring that the signature of the president and other members of the board are on the appropriate forms.
- b. Coordinate with the clerk for the turn-in of the typed summary.
- c. After you receive the summary (along with the verbatim findings and recommendations), turn in the case to the appointing authority. The recommended time is 7 working days from the date the board has ended.

RETENTION DISCHARGE UP AR 635-200

For use of this form, see Fort Knox Reg 635-200

FINDINGS:

In the board proceedings concerning _____
Rank Full Name SSN
the board has carefully considered the evidence before it and finds:

1. The evidence submitted is not sufficient to warrant discharge from the military service.
2. His/Her rehabilitation is deemed possible.

RECOMMENDATION:

In view of the findings, the board recommends that _____ be retained
Rank Last Name
in the service and reassigned for duty in his/her primary MOS (or specify other type duty).

DISCHARGE UP AR 635-200 CHAPTER 7, SECTION V

For use of this form, see Fort Knox Reg 635-200

FINDINGS:

In the board proceedings concerning _____
Rank Full Name SSN
the board has carefully considered the evidence before it and finds:

1. _____ is undesirable for further retention in the military service
Rank Last Name
because of concealment of:

- | | |
|--------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> prior service | <input type="checkbox"/> medical defects |
| <input type="checkbox"/> true citizenship status | <input type="checkbox"/> absence without leave or desertion
from prior service |
| <input type="checkbox"/> conviction by civil court | <input type="checkbox"/> other disqualifications |
| <input type="checkbox"/> record as a juvenile offender | |

2. His/Her rehabilitation is not deemed possible.

RECOMMENDATION:

In view of the findings, the board recommends that _____
Rank Last Name
be discharged from the service because of misconduct by reason of fraudulent entry with
issuance of:

- ☐ a Discharge Certificate Under Other Than Honorable Conditions
- ☐ a General Discharge Certificate
- ☐ an Honorable Discharge Certificate

DISCHARGE UP AR 635-200

CHAPTER 14, SECTION II

For use of this form, see Fort Knox Reg 635-200

FINDINGS:

In the board proceedings concerning _____

Rank

Full Name

SSN

the board has carefully considered the evidence before it and finds:

1. _____ is undesirable for further retention in the military service
Rank Last Name
because of conviction by civil court:

2. His/Her rehabilitation is not deemed possible

RECOMMENDATION

In view of the findings, the board recommends that _____

Rank

Last Name

be discharged from the service because of misconduct with issuance of:

- ☐ a Discharge Certificate Under Other Than Honorable Conditions
- ☐ a General Discharge Certificate
- ☐ an Honorable Discharge Certificate

AUTHENTICATION:

/s/ _____
-- President

/s/ _____
-- Member

/s/ _____
-- Member

DISCHARGE UP AR 635-200 CHAPTER 14, SECTION III

For use of this form, see Fort Knox Reg 635-200

FINDINGS:

In the board proceedings concerning _____

Rank

Full Name

SSN

the board has carefully considered the evidence before it and finds:

1. _____ is undesirable for further retention in the military service

Rank

Last Name

because of:

- ☐ minor disciplinary infractions
- ☐ discreditable involvement with civil or military authorities
- ☒ conduct prejudicial to good order and discipline
- ☐ commission of a serious military or civil offense

2. His/Her rehabilitation is not deemed possible.

RECOMMENDATION:

In view of the findings, the board recommends that _____

Rank

Last Name

be discharged from the service because of **acts of misconduct/patterns of misconduct** with

issuance of:

- ☐ a Discharge Certificate Under Other Than Honorable Conditions
- ☐ a General Discharge Certificate
- ☐ an Honorable Discharge Certificate